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NORTH VALLEY COALITION OF CONCERNED CITIZENS

**BEFORE THE STATE OF CALIFORNIA
INTEGRATED WASTE MANAGEMENT BOARD**

NORTH VALLEY COALITION OF
CONCERNED CITIZENS, a California
public benefit corporation,

Appellant,

vs.

THE LOS ANGELES COUNTY
DEPARTMENT OF ENVIRONMENTAL
HEALTH, as local enforcement agency for
the State of California, and BROWNING
FERRIS INDUSTRIES OF CALIFORNIA,
real party in interest,

Respondents.

APPELLANT'S HEARING BRIEF

CONSIDERATION OF APPEAL BY NORTH
VALLEY COALITION SEEKING BOARD REVIEW
OF DECISION BY HEARING PANEL OF LOS
ANGELES COUNTY THAT THE LOS ANGELES
COUNTY LOCAL ENFORCEMENT AGENCY
ACTED PROPERLY IN AUTHORIZING THE USE
OF CONSTRUCTION AND DEMOLITION DEBRIS
AS ALTERNATIVE DAILY COVER (ITEM 25)

[PRC §44310]

Date: February 14, 2006

Time: 1:30 p.m.

Location: Sierra Hearing Room

INTRODUCTION

The local enforcement agency for the Sunshine Canyon Landfill approved the use of garbage as a daily cover for garbage at the landfill. Approving this use allows the most egregious disregard for the purpose of daily cover—to assure health and safety protection from garbage blowing away or washing away. The stuff approved is not C&D waste; it is screened garbage. The California Integrated Waste Management Board needs to deal with this abuse openly. Hiding in closed session to deliberate the question is not allowed under state statutes, and is opposed by the Coalition.

1 **BACKGROUND**

2 The North Valley Coalition (“Coalition”) contends that the Los Angeles County local enforcement
3 agency (“LEA”) improperly approved “fines” from a mixed waste processing facility for use as
4 alternative daily cover (“ADC”) at the Sunshine Canyon Landfill.

5 A 2-1 decision by the hearing panel approved the LEA’s decision.¹ But the Coalition appeals that
6 decision, contending that: 1) the material approved does not meet the state’s requirements for ADC use;
7 2) the LEA failed to require proper amendments to the landfill’s Report of Disposal Site Information; 3)
8 the LEA’s action conflicted with requirements, including traffic studies, of the facility permit and
9 environmental documentation; and 4) that unique site conditions mandate special consideration by the
10 LEA.

11
12 **THE EVIDENCE BEFORE THE HEARING PANEL.**

13 The hearing panel met twice to hear the Coalition’s appeal of the LEA’s action, first on October 11,
14 2005 and then on December 14, 2005. A transcript of the first hearing was prepared, but not the second
15 hearing. The only evidence submitted by the LEA to support its decision was its letter authorizing the
16 use of the material as ADC. Although the hearing panel requested written substantiation for its decision
17 from the LEA, none was provided.

18 The hearing panel chair, Mike Mohajer, voted to overturn the LEA decision for failure to justify its
19 action, pointing to, among other things, inconsistencies with traffic study figures in permit conditions
20 and environmental documentation, disposal figures and tonnages.

21 The testimony of BFI officials clearly indicates that the ADC materials were accepted from the
22 Falcon Recovery Facility—a BFI mixed waste processing facility, according to CIWMB records. The
23 mixed-waste materials run over a single screening process. The fines from that screen process are two
24 sizes: the larger size is landfilled, the smaller size is spread over Sunshine Canyon Landfill as ADC.

25 Thus particle size is the only difference between garbage and ADC from the Falcon Recovery
26 Facility’s “C&D” processing.

27
28 ¹ The NVC formally protested appointment of one of the panel members before the hearing, contending that as a former employee of BFI, he was biased.

1 Such material is not allowable as ADC. In adopting regulations providing for the use of “C&D”
2 fines, the CIWMB clearly anticipated such abuse. The CIWMB should use this occasion to end it.

4 REGULATION OF ADC MATERIALS

5 Materials allowed to be used as alternative daily cover are strictly spelled out in state regulations.
6 The Los Angeles County LEA was sloppy in identifying the materials involved, a common regulatory
7 problem.

8 For example, the Los Angeles County LEA was confused in 2003, when BFI brought “storm drain
9 catch basin debris” to the landfill for ADC use. See Hearing Transcript of October 11, 2005, testimony
10 of BFI’s Sharon F. Rubalcava, page 51, lines 22-23.²

11 The LEA failed to understand the state regulation allowing green waste as ADC. The regulation is
12 quite specific; 27 CCR §20690(a)(11)(3) prescribes the use of “Processed Green Material,” as allowable
13 ADC:

14 “(A) For the purposes of this section, processed green material means any plant material that is
15 either separated at the point of generation, or separated at a centralized facility that employs
16 methods to minimize contamination. Green material includes, but is not limited to, yard
17 trimmings, untreated wood wastes, paper products, and natural fiber products. Green material
18 does not include treated wood waste, mixed demolition or mixed construction debris, manure
19 and plant waste from the food processing industry, alone or blended with soil...

20 (B) Green material used for alternative daily cover shall be processed prior to being applied to
21 the working face unless the green material to be used as alternative daily cover already meets
22 the grain size specifications...” (Emphasis added.)

23 The “storm drain catch basin debris” wasn’t green waste; it wasn’t processed. Note that the regula-
24 tions take close heed of the potential for contamination by other materials in those materials used as
25 ADC.
26

27 ² “Appeal Hearing for Approval of the Use of Construction and Demolition Material as Alternative Daily Cover at the
28 Sunshine Canyon Landfill,” Tuesday, October 11, 2005, 9:00 a.m. Further references will be to the “October 11 Hearing
Transcript.”

1 The LEA's mistake in 2003 is now recognized. State inspectors straightened the LEA out. Oct.
2 11 Hearing Transcript, 52:19-23. Clearly, BFI had been consciously abusing the "green waste"
3 definition of ADC. Oct. 11 Hearing Transcript, 53:2-17.

4 The prior abuses of ADC by the landfill operator are directly relevant here. It is too easy for BFI to
5 start slipping non-approved materials into the "fines," as it did in 2003, or for the Falcon facility, or any
6 other facility, to change the stuff blended in with the material; and it is too easy for the LEA to again fail
7 to notice.

8 Such abuse is not an isolated incident; it is prevalent throughout the landfill industry in California.
9 Understanding why this is so requires understanding the motives of the dump operators.

10 11 HISTORY OF ADC ABUSES

12 With the advent of greater recycling activity, including composting programs, promoted by
13 California's 1989 Integrated Waste Management Act (Sher, AB 939), the use of "green waste" as daily
14 landfill cover was increasingly promoted by the landfill industry as "alternative daily cover" ("ADC").

15 This green-waste ADC was often self-hauled or municipally collected garden and lawn waste
16 simply dumped in the landfill unprocessed, eliminating more expensive processing needed to create
17 marketable compost.

18 The landfill companies urged the state to "count" such "alternative daily cover" toward the landfill
19 disposal reductions required of cities and counties under AB 939.

20 The CIWMB initially developed regulations setting a cap on the percentage of ADC that could
21 "count" toward the state recycling goals. But the landfill industry solicited the state legislature to allow
22 all green-waste ADC to "count" toward the disposal reduction goals. In Assembly Bill 1647
23 (Bustamante), passed in 1996, these powerful interests got their way.

24 Since then they have found another benefit.

25 According to a 2002 investigation by the CIWMB, landfills are increasingly confusing garbage,
26 ADC and other materials in accounting what's dumped.³

27
28 _____
³ CIWMB Board Meeting, June 17-18, 2003, agenda item 13, www.ciwmb.ca.gov/agendas/mtgdocs/2003/06/00011899.doc

1 The result is a big savings to landfills and a big loss to the state, not only in the revenue used to
2 police California garbage operations and landfills, but also to the state policy of encouraging less use of
3 landfill space.

4 According to the CIWMB, the percentage of ADC dumped in California had grown to 15 percent of
5 all disposal by the year 2000, or 4,968,485 tons—almost five million tons of what was disposed in
6 California landfills.

7 According to the CIWMB investigation of the problem, some landfills claimed ADC to be as much
8 as 54 percent of their disposal.

9 By calling landfilled materials “ADC,” the landfill industry evaded paying the state’s \$1.34 per ton
10 “tipping fee” on disposed tonnage. That year the landfill industry avoided paying \$6.7 million to the
11 state for such programs as school recycling education, landfill safety enforcement and pollution
12 remediation.

13 It should be no surprise, therefore, that the complicated rules governing ADC were bent by BFI’s
14 use of C&D/“storm drain catch basin debris” at Sunshine Canyon Landfill.

15 Indeed, BFI’s Falcon transfer facility apparently falsely reported the material shipped to Sunshine
16 Canyon as ADC, as highlighted in the prior hearing. Oct. 11 Hearing Transcript, 81:7-82:13, also
17 126:15-128:17. Sunshine Canyon joined in playing the “name game,” apparently calling the material
18 ADC as a means to “dispose” of extra waste in the landfill, without it counting toward daily disposal
19 limits.

20 21 ARGUMENTS

22 Too many parties intentionally look the other way—including the LEA—when it comes to
23 “alternative daily cover.” The use of mixed waste fines as ADC clearly creates conditions for abuses.
24 These abuses are important. Small particles of who-knows-what, carried by gale force winds off the
25 surface of Sunshine Canyon to the nearby inhabitants and park users, raise real health concerns that the
26 LEA’s casual approval process fails to address.

27 Now the CIWMB board wants to duck the issue in closed session.
28

1 CLOSED DELIBERATIONS WOULD VIOLATE THE OPEN MEETING ACT AND PROPOSITION 59.

2 Little over a year ago, Californians overwhelmingly passed Proposition 59, the state’s “Sunshine
3 Amendment,” a constitutional amendment to guarantee open public meetings. California Constitution
4 Article 1, §3(b) places the burden on government agencies to justify use of closed meetings.

5 The Coalition maintains that the CIWMB has no legal basis for holding its deliberations or actions
6 on the appeal in closed session.

7 The Bagley-Keene Open Meeting Act, Gov. Code §§11120-11132 require open meetings of state
8 agencies such as the CIWMB. Although the “informal” procedures of Administrative Procedures Act
9 govern the hearing, informal hearings are required to be open to the public. PRC §44310; Gov. Code
10 §11425.20.

11 None of the exceptions for closed hearing under Gov. Code §11425.20 apply. Therefore the
12 CIWMB should conduct the hearing and all deliberations in public.

13
14 MIXED WASTE FINES ARE NOT ADC

15 The LEA’s August, 2005 approval of Sunshine Canyon Landfill’s use of fines from the Falcon
16 mixed waste processing facility fails to correspond to the strict requirements for ADC use.

17 Categorically exempting construction and demolition debris from the case-by-case evaluation other-
18 wise required for ADC use, state regulations specify which C&D materials may be used as ADC:

19 “Processed construction and demolition wastes and materials used as alternative daily
20 cover shall be restricted to the following materials: rock, concrete, brick, sand, soil,
21 ceramics, cured asphalt, lumber and wood, wood products, roofing material, plastic pipe,
22 plant material when commingled from construction work, and fines derived from
processing the above materials.” 27 CCR §20690(b)(9)(B).

23 Note that nowhere in that discrete list of restricted materials does “mixed” C&D appear: “...rock,
24 concrete, brick, sand, soil, ceramics, cured asphalt, lumber and wood, wood products, roofing material,
25 plastic pipe, plant material when commingled from construction work, and fines...” Nothing there about
26 “mixed” C&D.⁴

27
28 ⁴ The reference of 27 CCR §20690(a)(11)(3), expressly prohibiting “mixed demolition or mixed construction debris,” also argues against any implied approval of mixed waste for ADC.

1 The reference in the regulation to “fines” means fines “derived from processing the above
2 materials.” That is, those materials, already segregated, then processed, producing “fines,” may be used.

3 Instead here we have materials which are a literal “catch-all” of just about anything from BFI’s
4 Falcon facility. There is nothing in the record to show that the LEA assured that the C&D materials were
5 separated before being crushed together. Nothing was presented that assured that other materials were
6 not processed over the same conveyor belt and the same screen.

7
8 THE LEA FAILED TO PROVIDE RDSI DOCUMENTATION OF ADC CONTAMINATION PROGRAM

9 The LEA failed to require that the Falcon Recovery Facility or the Sunshine Canyon Landfill
10 complied with regulations intended to assure proper use of ADC.

11 The LEA failed to require compliance with 27 CCR §20690(11):

12 “The owner or operator shall implement a program described in the Report of Disposal
13 Site Information as required by section 21600(b)(6) to minimize contamination of alter-
14 native daily cover with wastes not included within the individual alternative daily cover
15 material types specified in subdivision (b) of this section and wastes that would conflict
with the performance requirements of ¶(a)(2).”

16 The LEA provided no documentation at the review hearing indicating that BFI conformed to this
17 requirement. Indeed, BFI officials stated that the Falcon Recovery Facility simply dumps materials on
18 its tipping floor and sends them up a single conveyor line and over a single screen, which produces the
19 “fines.” There is no evidence that the LEA required the landfill or the Falcon facility to provide an RSDI
20 amendment conforming to the requirements of 27 CCR §20690(11).

21 Without assuring that non-approved materials are kept off the conveyor and screen, there is simply
22 no way that the LEA can look at a pile of fines and determine their composition.

23 As evidenced in the hearing panel’s record, various other materials were included in waste used as
24 ADC which was not categorically approved under the ADC regulations, including asbestos.

25 The common-sense knowledge of existence of asbestos in the mixed C&D wastestream is conceded
26 by BFI. Oct. 11 Hearing Transcript, 88:3-8. (“...people realize it does come in, so it’s inspected.”)

1 The presence of other materials in the C&D used at Sunshine Canyon is also clear from the record,
2 where it is noted that on August 30, 2005 “several piles of construction demolition fines use[d] as ADC
3 was observed to be contaminated with litter.” Oct. 11 Hearing Transcript, 121:22-25.

4 Clearly, the record already provides substantial evidence that contamination is mixed in with the
5 materials provided as ADC at the Sunshine Canyon Landfill.

6 Without showing protection from contamination, the LEA’s action to approve the use of mixed
7 waste fines from the Falcon facility was not based on sufficient information.⁵ Indeed, the information
8 that is available provides patent proof that the mixed material does not qualify as ADC under the state’s
9 regulations.

10
11 THE LEA WOULD IMPROPERLY ALLOW ADC “FINES” FROM ANY FACILITY.

12 Furthermore, the LEA’s decision would allow Sunshine Canyon Landfill to indiscriminately accept
13 mixed waste “fines” from any facility. Any waste processing facility would be allowed to send fines to
14 Sunshine Canyon Landfill, with or without a RDSI plan for preventing contamination of the ADC.

15 This is clearly a prescription for ADC abuse. “Fines” from waste processing are indistinguishable.
16 They might come from hazardous waste screening, for all that the Los Angeles County LEA would
17 know. The landfill’s RSDI provides no plan to assure that facilities claiming to provide C&D ADC have
18 a program to keep out contamination.

19 The LEA approval should have been limited to specific materials from specific facilities. Those
20 facilities providing the ADC should be required to provide RDSI amendments which detail how the
21 ADC is being produced, and how any contamination is kept out.

22
23 THE LEA FAILED TO CONSIDER SITE-SPECIFIC WIND FACTORS.

24 A fundamental failure of the Los Angeles County LEA was its disregard of clear and substantial
25 evidence of extremely high “Santa Ana” wind conditions at Sunshine Canyon Landfill. Those wind
26 conditions militated site-specific considerations of the proposed ADC by the LEA. This consideration
27

28 _____
⁵ The LEA never saw inspection logs for the Falcon facility. Hearing Transcript, October 11, 2005, 106:6-8.

1 was not given, thereby violating the overarching mandate to the LEA for approving ADC, pursuant to 27
2 CCR 20690(a)(1):

3 “Alternative materials of alternative thickness for daily cover (other than at least six
4 inches of earthen material) for municipal solid waste landfill units may be approved by
5 the EA with concurrence by the CIWMB, if the owner or operator demonstrates that the
6 alternative material and thickness control vectors, fires, odors, blowing litter, and
scavenging without presenting a threat to human health and the environment.” (Emphasis
added.)

7
8 Even if the mixed waste fines were allowed categorically under 27 CCR 20690(b), they must still
9 conform to the requirement of subdivision (a) of that section:

10 “Site specific demonstration projects are not required for the following materials used as
11 specified and in accordance with subdivision (a) of this section.” (Emphasis added.)

12 The undisputed gale force winds over Sunshine Canyon create “a threat to human health and the
13 environment” that must be at least evaluated by the LEA in its decision to allow “fines” composed of
14 whatsoever to cover the landfill each day.⁶

15 16 **CONCLUSION**

17 Mixed waste “fines” are not ADC, and should not be allowed to be used as such by the Los Angeles
18 County LEA. The CIWMB is urged vacate the LEA’s approval.

19
20 Respectfully submitted.

21
22 DATE: January 31, 2006

23 _____
24 KELLY T. SMITH
25 Attorney for Appellant
26 NORTH VALLEY COALITION
27

28 _____
⁶ The LEA agrees with the Coalition that the area is very windy. October 11 Hearing Transcript, 105:6-7.

NVC EXHIBIT

A



NORTH VALLEY COALITION

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California 91344

January 27, 2006

California Integrated Waste Management Board

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Sacramento, CA 95812-4025

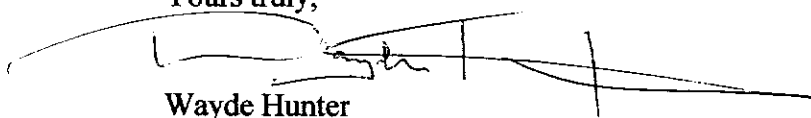
Attention: Michael Bledsoe, Attorney.

Re: Scheduled February 14, 2006 CIWMB Hearing - Appeal by North Valley
Coalition to LEAs Approval of the RDSI allowing use of C&D material as
ADC.

Dear Sir:

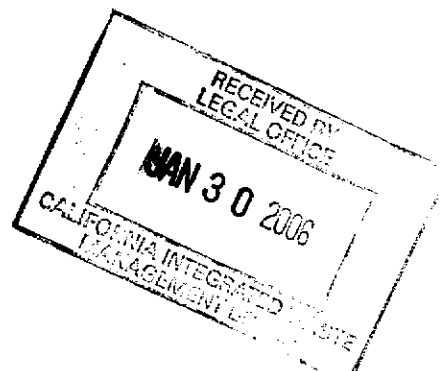
We wish to submit as a part of the record, the August 1, 2005 letter (with exhibits) from Altshuler, Berzon, Nussbaum, Rubin & Demain submitted in opposition to and concerns regarding Draft Conditional Use Permit 00-194-(5). The traffic results presented as a part of this document were discussed and were referenced in the Los Angeles County Solid Waste Facilities Hearing Board written decision under Factual Background, Item E. as the "most recent traffic analysis, prepared in connection with a new Conditional Use Permit". Discussion of the impacts and findings of this traffic report start at the last paragraph on page 11 and continue through page 14 along with exhibit 4, Minagar & Associates Sunshine Canyon Landfill Traffic Assessment dated July 28, 2005.

Yours truly,


Wayde Hunter
President, NVC

Enc.

c.c. Kelly Smith, Esq.



NVC Exhibit "A"

ALTSHULER, BERZON, NUSSBAUM, RUBIN & DEMAIN

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August 1, 2005

Los Angeles County Regional Planning Commission
Department of Regional Planning
320 West Temple Street, 13th Floor
Los Angeles, CA 90012

Re: Opposition to and Concerns regarding Draft Conditional Use Permit 00-194-(5)
(Sunshine Canyon Combined Landfill)

Dear Commissioners,

The law firms of Altshuler, Berzon, Nussbaum, Rubin & Demain; Lerach Coughlin Stoia Geller Rudman & Robbins, LLP; and Chatten-Brown & Associates write on behalf of the North Valley Coalition of Concerned Citizens, Inc.; the Sierra Club; the Natural Resources Defense Council; the Environmental Law Foundation; and the International Brotherhood of Teamsters, AFL-CIO, and their members (hereinafter collectively "the Coalition"), to express opposition to and concerns regarding draft Conditional Use Permit 00-194-(5) (hereinafter "draft CUP") for the Sunshine Canyon Landfill. These comments supplement the comments that the Coalition previously submitted at the April 6, 2005 hearing and, like those comments, are made to protect the environmental interests of the commenting organizations and their members, and the health and safety of the members of the organizations.

Pursuant to the request of the Commission at the April 6, 2005 hearing, the Coalition submitted proposed changes to the draft CUP and met with staff to discuss our proposals. We urge the Planning Commission to adopt all of our proposals. Because most of our proposals speak for themselves, we do not specifically address them in this comment letter. In light of the issuance of the staff report on July 14, 2005, there are a few matters that merit the Commission's particular attention and we address them below.

Staff has also recommended that the Planning Commission close the public hearing and indicate its intent to approve the CUP. We believe it would be premature to close the public hearing at this juncture. First, critical language regarding BFI's ability to commence operations on the "bridge" portion of the Sunshine Canyon (Staff's Proposed Condition 14) has not yet been

finalized. We have not yet had an opportunity to review or comment on the proposed language. Second, both the Coalition and Browning Ferris Industries, Inc. ("BFI") have submitted lengthy and detailed proposals regarding specific changes to the CUP. There are literally dozens of decisions for the Commission to make. Even if the Commission is able to consider and decide each of these open issues at the August 10 hearing, in many instances the precise language to carry out the Commission's intent will not yet have been crafted. There can often be significant issues with the language that is drafted. As we discuss below, for example, although the apparent intent of the CUP is to require the landfill on the County-side of Sunshine Canyon to have the same double composite liner system as is required for the City-side, the language proposed by staff and by BFI is ambiguous. Given the countywide significance of this project and the large potential cost exposure to the County and taxpayers, it is critical that the Commission first have the opportunity, with the benefit of public comment, to decide on the concepts it wishes to include in the CUP and then have the opportunity, again with the benefit of public comment, to review precise proposed CUP language to ensure that its intent is properly reflected in that language. The integrity of the decisionmaking process will be severely compromised if the public is denied the opportunity to review and comment on the specific language of the CUP that the Commission intends to adopt.

After addressing our proposals regarding the CUP, we also discuss the traffic impacts of the project.

Proposed Conditions

1. Long-term liabilities (Coalition Proposed Conditions 13 and 31)

Through our Proposed Condition 13, the Coalition seeks to ensure that the CUP contains meaningful long-term protections for the public health and safety and for the County's coffers.

As the situation now stands, BFI is only required to maintain insurance through the post-closure period, which is generally 30 years. That requirement is inadequate to guard against the true long-term dangers to the environment and resulting financial liability posed by landfills because landfills remain a threat to the environment long after the post-closure period. Insurance obligations should therefore not terminate upon completion of a 30 year post-closure period.

Moreover, any obligations imposed on BFI beyond the post-closure period are only meaningful if there are funds sufficient to carry out such obligations and to adequately respond to any number of possible site failures. It is critical that trust funds be established to carry out such responsibilities. Over the many generations that the site remains a risk, corporate dissolutions and bankruptcies, among other common occurrences, are likely to render legal obligations a practical nullity. In the absence of available funds to pay for a landfill operator's obligations, these costs will be shifted to the public.

It bears emphasis that the consequences of landfill failure at Sunshine Canyon are potentially disastrous. As the federal Environmental Protection Agency has acknowledged "even the best liner and leachate collection systems will ultimately fail." See 53 Fed. Reg. 33314-01 at 3345 (Aug. 30, 1988). Moreover, potential seismic activity, as has occurred approximately every 20 years in the area (Draft Subsequent Environmental Impact Report ("Draft SEIR"), Volume I at 4-26- 4-31), could further compromise the integrity of the containment and remediation systems at Sunshine Canyon. The landfill is located 3 miles from the San Fernando-Sierra Madre Fault and 6.2 miles from the Northridge Blind-Thrust Fault. Given the sheer size of the landfill – an estimated disposal capacity of 90 million tons – the magnitude of future potential groundwater pollution is enormous. Moreover, the landfill is located close to the San Fernando Valley Groundwater Basin and facilities of the Metropolitan Water District and Los Angeles Department of Water and Power, which supply much of the drinking water to the greater Los Angeles region. Given the millions of people who depend on the water supply located close to the landfill, any groundwater pollution from Sunshine Canyon could have disastrous public health consequences. If at some future juncture a landfill failure should occur at Sunshine Canyon and funds are not available to pay for an environmental clean-up, the public would be left holding the bag.

The landfill operated by BKK in West Covina, California provides a cautionary tale. In compliance with existing state law requirements, see Cal. Pub. Res. Code §43600 *et seq.*, BKK obtained an insurance policy to cover the cost of closure and postclosure activities – activities which are necessary to prevent the site from posing an imminent and immediate public health threat. In 2003, however, BKK announced that it was financially unable to pay the premium on its insurance policy. Not surprisingly, the insurer announced that it would cancel the insurance policy if any premium were unpaid – thus leaving unfunded the cost of critical activities necessary to protect the public health. To avoid this outcome, the City of West Covina stepped in and paid two of BKK's outstanding insurance premiums – at a cost to the City of over \$2 million. See State of California, Department of Toxic Substances Control, Consent Order, Docket No. HSA-CO 03/04-075. In September 2004, it then became apparent that project costs would exceed available funding from the insurance policy. BKK announced that it lacked the financial resources to make up the difference. Again, the public will be left to pick up the tab. Regulatory agencies have since been coordinating plans to ensure that the environmental control systems in place at the landfill continue to be operated, maintained, and monitored so that the site does not pose a threat to the public health. Ongoing costs are estimated to reach as much as \$100 million.

Without real financial assurance, Staff's Proposed Condition 30, will not achieve even its limited purpose: "The permittee shall be responsible for monitoring and maintenance of the facility's environmental protection and control systems in perpetuity, unless a lesser time is approved by the Director of Public Works." (According to the staff report, BFI objects to this requirement and contends that state law preempts the County from imposing a more stringent

standard, a contention that is meritless as we discuss below.) This condition should be strengthened. First, the obligation should extend in perpetuity. The current language allows the Director of Public Works to terminate that obligation at an earlier time, and provides no standard whatsoever to govern any such termination. Second, the obligation should encompass an insurance and corrective action requirement as well, and not only a monitoring and maintenance requirement. Although monitoring and maintenance are important means of possibly preventing or at least detecting at an early stage a potential landfill failure, they do nothing to ensure that a release from a landfill will actually be remediated. Third, the requirement that BFI be legally responsible for monitoring and maintenance in perpetuity is only meaningful if there are funds sufficient to pay for such obligations. For this reason, the Coalition's Proposed Condition 13-e, requiring the establishment of a trust fund to pay for such obligations, is a critical means of ensuring that the facility will actually continue to be monitored and maintained into the future. Similarly, a trust must be established to ensure payment of insurance and corrective action obligations as well.

In response to the Coalition's Proposed Condition 13, staff comments that "[t]he proposed change is such that insurance coverage is required based on subjective factors (as long as [the landfill] remains a threat . . .) rather than enforceable milestones." The Coalition is amenable to the enforceable milestone proposed by staff in Staff's Proposed Condition 30 – "in perpetuity." But staff has not addressed our primary concerns: First, existing insurance obligations terminate at the end of the post-closure period, even though the risk of a landfill failure continue to be significant for a very long period after that time. Second, there must be sufficient funds in a trust fund to ensure that insurance, corrective action, monitoring, and maintenance obligations can actually be carried out. Any other approach is simply fiscally irresponsible and exposes the County to significant financial risk.

2. *Tonnage Limit*

The Coalition proposes that the landfill be required to close either when the horizontal and vertical limits of the fill ("airspace") is reached, or when a specified number of tons of waste has been disposed of at the landfill, whichever is earlier. The proposed limit is 17 million tons for the County-only landfill and 90 million tons for the combined City-County landfill. This proposal would ensure that the CUP actually conforms to the expectations and understanding of decisionmakers and the public, as well as the environmental review conducted to date, on the issue of when the landfill would actually close. It is critical that the community surrounding the landfill not be forced to bear the burdens of the landfill for longer than previously represented.

The 17 million and 90 million tonnage limits are taken from the environmental review documents prepared in connection with this project. Although the 1993 CUP contains limitations based on airspace, all of the environmental review documents and public discussion of this project have been predicated on the project's estimated total disposal capacity, not its

permitted airspace. For example, the Draft SEIR, Volume I at 1-2 – 1-3, states: “This Draft SEIR will analyze and evaluate potential environmental impacts associated with the proposed project Ultimately project development would result in a combined City/County Landfill with a net disposal capacity of 90 million tons.”

Because the project analyzed in environmental review documents was defined in terms of net disposal capacity, the analyses of project impacts and recommended mitigation measures were also predicated on the landfill’s estimated total disposal capacity, and not its permitted airspace. Critically, the estimated site life of the landfill – 26 years according to the Draft SEIR (page 1-1) – also assumes a net disposal capacity for the City/County Landfill of 90 million tons. Had the project’s net disposal capacity been greater than 90 million tons, the estimated site life would have been longer, and environmental review would have shown that project impacts would have been greater and that more extensive measures would have been necessary to mitigate those impacts.¹

BFI’s draft Biennial Monitoring Report, dated March 31, 2005, indicates that the total disposal capacity of the County-only landfill may be far greater than the 16.9 million tons originally estimated. Although the 1993 CUP authorizes a footprint of 215 acres, BFI has thus far only engaged in actual or planned construction of lined disposal areas on a 129.3 acre footprint. BFI now estimates that this 129.3 acre footprint will have a disposal capacity of 16.5 million tons. If BFI uses the remaining 85.7 acres already permitted by the 1993 CUP, the total disposal capacity of the County-only landfill could be far in excess of the 16.9 million tons and the site life far longer than the period originally estimated. When representatives of the Coalition met with staff to discuss these proposals on June 20, 2005, Department of Public Works staff stated that they had not at that time performed calculations as to the landfill’s current estimated disposal capacity.

The CUP should contain limitations based on tonnage. If this limitation is not included, then experience with the County-only landfill shows that the combined City/County landfill will very likely have a total disposal capacity far greater than the 90 million ton project analyzed in the SEIR and in turn a much longer site life. Such a change in disposal capacity would warrant preparation of a new subsequent environmental impact report. In any event, the proposed

¹ There can be little doubt that a project’s impacts increase in direct proportion to the project’s total disposal capacity. The Draft SEIR for example analyzed a reduced volume alternative to the 90 million ton proposed project. An alternative with a smaller total disposal capacity was found to be an environmentally superior project that would have fewer earth resource impacts, dust impacts, landfill gas emission impacts, mobile air emissions impacts, biological resource impacts, land use impacts, litter impacts, transportation and circulation impacts, and cultural resource impacts. Draft SEIR at 5-11–5-12. Conversely, an increase in total disposal capacity would increase all of these impacts.

limitation is simply a way to conform the actual language of the CUP to the public discussion and understanding of what has been approved and what is proposed for approval at Sunshine Canyon. In the absence of the tonnage limitation, the site life may extend much longer than the 26 years estimated in the SEIR and the surrounding community will be forced to bear the burden of this facility for far longer than was ever contemplated. It is only fair that the community not be forced to bear this burden for such a long period, particularly when other communities, such as those neighboring the Puente Hills Landfill, have obtained the benefit of a firm closure date.²

The staff report states that the 1993 CUP "encouraged improved compaction techniques in accordance with County policies to maximize landfill capacity" and that "[s]etting an absolute tonnage cap would change the nature of the original approval" The most effective means of maximizing landfill capacity is to use capacity wisely and to reduce the volume of the waste stream that ultimately finds its way into landfills. An absolute tonnage cap is entirely consistent with that goal. If the landfill's ultimate disposal capacity is not actually going to be greater than that originally estimated, then the tonnage cap will not have any impact on the total available landfill capacity. If the landfill's ultimate disposal capacity, however, is going to exceed original estimates, then the proposal will simply conform the CUP to the public's understanding of the original approval.

3. *Double Liner (Coalition Proposed Condition 73)*

We understand from discussions with staff that the intent of the CUP is that, like the City-side of Sunshine Canyon, the landfill on the County-side should also have a double composite liner. All the language proposed by staff (Staff Proposed Condition 70) and by BFI uses ambiguous terms such as "consistent with" or "of equal effectiveness."³ The language of the

² A further important safeguard for the community is the Coalition's Proposed Condition 3-f, which prohibits any waste from being received, disposed of, or in any other way processed at the site after the cessation of landfilling operations, and requires the site thereafter to be dedicated for open space, wildlife, preservation, or recreational use. Staff has not commented on this proposed condition regarding the ultimate use of the property, and we urge the Planning Commission to adopt it in order to ensure that the community will not have to bear the burdens of on-going waste processing at the site indefinitely.

³ BFI claims that "[a]pproval of the liner design is within the jurisdiction of the [Regional Water Quality Control Board] and is beyond the expertise of the County." BFI June 30, 2005 Letter at 7. If liner design is a matter beyond the expertise of the County, then the County should reject BFI's proposal, which would require the County to evaluate whether a particular liner system is of "equal effectiveness" to a liner design adopted by the Water Board. BFI implies that staff has revised this condition in accord with BFI's proposal. We are not aware of any revisions of the language in the proposed CUP from the version issued by staff in November 2004.

CUP should simply state that the design of the liner should be the design required by the Regional Water Quality Control Board for the City landfill, as in our Proposed Condition 73. There is no reason for ambiguity when it is easy to ensure the stated intent is followed. There are many alternative products in the market, and there is very little information about their long-term performance. That a double liner, not some undefined and unproven alternative, was previously imposed by the Los Angeles Regional Water Quality Control Board for the City landfill speaks to its importance.

4. *Adoption of Conditions from 1993 CUP and City Conditions (Coalition Proposed Condition 2)*

The stated intent of the BFI's application for revisions to the CUP is to conform the CUP to the City's more restrictive conditions and thus ensure uniform operating procedures for the combined City/County landfill. *The actual language of the proposed CUP does not accomplish this stated goal.* We have identified numerous instances of the draft CUP's failure to incorporate the City's more stringent conditions. See, e.g., Coalition Proposed Conditions 25 (requiring manifest of unacceptable waste), 28 (Community Protection Program), 74 (alternative fuel requirement), 75 (video monitoring). Because the CUP and the City Conditions address hundreds of issues, it is entirely possible that there are many additional issues that the City Conditions address that the draft CUP in its current form does not. Our Proposed Condition 2 therefore proposes catch-all language that would ensure that to the extent the City Conditions address a matter that the CUP does not expressly address, the City Condition on that issue would be incorporated by reference, and that where the City Conditions and County CUP differ, the more stringent condition shall govern operation of the Combined landfill.

The staff report states that for enforcement reasons, it is preferable not to incorporate any other documents by reference. Until the Planning Commission can verify that the draft CUP actually incorporates the City's more restrictive conditions – for instance through preparation and review of a side-by-side comparison of the City Conditions and the draft CUP – it should not be taken on faith that the draft CUP accomplishes this stated goal, for it demonstrably does not.

Similarly, we propose a catch-all provision that would ensure that the proposed CUP does not inadvertently eliminate or weaken the conditions contained in the 1993 CUP. We have discovered instances of the draft CUP's failure to carry forward important protections contained in the 1993 CUP. See, e.g., Coalition Proposed Condition 18 (ceiling on number of days that project proponent may be permitted to exceed maximum daily intake rate). Again, the Commission should verify, rather than assume, that the draft CUP does not eliminate or weaken conditions contained in the 1993 CUP.

5. *Alternative Fuel Requirement (Coalition Proposed Condition 74)*

The Coalition proposes a condition, modeled on the City Conditions, that would phase in the requirement that various types of alternative fuel vehicles be used at the landfill, beginning with light-duty vehicles and extending ultimately to collection and transfer trucks. As we explained in our earlier comments submitted at the April 6, 2005 hearing, this is an important means of minimizing the significant air quality impacts associated with hauling 12,100 tons per day to Sunshine Canyon.

In its letter dated June 30, 2005, BFI contends that alternative fuel vehicles are not commercially available. BFI also asserts that at a June 28, 2005 meeting between BFI and staff of the City of Los Angeles and the South Coast Air Quality Management District ("SCAQMD"), "it was agreed that light-duty alternative fuel vehicles meeting BFI's specifications were not available for purchase at this time." June 30, 2005 BFI Letter at 6. We vigorously dispute these contentions.

As set forth in the attached report of Gladstein, Neandross & Associates ("GNA"), a nationally recognized consulting firm on air quality issues, with special expertise in the field of alternative fuel and low emission vehicles and technologies, there are currently at least 25 fleets in California that have alternative fuel waste hauling trucks, including natural gas side loaders, front loaders, and transfer trucks. See GNA Report at 3, attached as Exhibit 3.

SCAQMD staff has indicated to us that they have told BFI that there are light and medium-duty natural gas vehicles, manufactured by Ford and General Motors, and available for BFI's purposes. SCAQMD is currently requesting a letter from Ford and General Motors to put this issue to rest.

Alternative fuel engines for collection trucks are currently technologically feasible and commercially available from Cummins and John Deere, according to AQMD staff and GNA. See GNA Report at 1, 3.

As to transfer trucks, the Coalition's proposed condition does not require transfer trucks entering the landfill to be alternative fuel vehicles until the third year of operations under the CUP. The technology for transfer trucks is currently feasible, has been commercially available, as noted above, and will be commercially available again in an updated version by the end of next year. See GNA Report at 1, 3.

6. *Preemption*

The staff report and BFI's comments reflect the view that the County is "preempted" from imposing requirements governing the operation of the landfill that are similar to or more

stringent than requirements imposed by other agencies, such as the Integrated Waste Management Board or the Regional Water Quality Control Board. The California Constitution empowers counties to "make and enforce within [their] limits all local, police, *sanitary*, and other ordinances not in conflict with general laws." Cal. Const., art. XI, §7 (emphasis added). The California Integrated Waste Management Act expressly invites counties to regulate landfills "in order to prevent or mitigate potential nuisances," as long as the county's conditions "do not conflict with or impose lesser requirements than" the Waste Management Act – thus permitting counties to adopt conditions that are more stringent than requirements contained in state law. Cal. Pub. Res. Code §40053; *see also* Cal. Pub. Res. Code §40001 ("The Legislature declares that the responsibility of solid waste management is a shared responsibility between the state and local governments."); 27 CCR §20030 ("[n]o provision in [state regulations governing solid waste] shall be construed . . . to limit or restrict counties and cities from promulgating enactments which are as strict or stricter than the regulations contained in this Division").

In the interest of protecting the environment and the public health and safety, the County has the authority to and should adopt Coalition Proposed Conditions 3 (installation of final cover), 25 (random waste vehicle load inspections), 37 (groundwater monitoring wells), 42 (revegetation and final cover requirements), and 62 (monitoring). Requirements that establish a minimum floor, such as those proposed by the Coalition, do not "conflict" with state or federal requirements. The County has an equal and independent responsibility to protect the public. Some of the Coalition's proposed conditions would not be necessary if prior conditions had been enforced. But, for instance, as staff agreed in our meeting, the current revegetation conditions have not been properly enforced. If the current revegetation conditions will not be enforced and more readily enforceable language is considered too strict, the public is left with no recourse.

7. *Video Monitoring (Coalition Proposed Condition 75)*

Consistent with Condition E-14 of the City Conditions, Coalition Proposed Condition 75 would require video monitoring to ensure compliance with the conditions of operation. The proposal is more specific than the City Conditions insofar as it specifies that video monitoring equipment should be installed at the working face and other critical locations. BFI is apparently amenable to a generic requirement for video monitoring but opposes language that requires monitoring of disposal operations. BFI Letter of July 5, 2005 at 13. There would be little utility in a video monitoring requirement that does not involve monitoring of disposal operations. Accordingly, the County should ensure that there is such monitoring.

8. *Notice (Coalition Proposed Conditions 76 and 77)*

Staff contends that the notice requirements proposed by the Coalition are unprecedented and would interfere with County activities. The Coalition does not wish to interfere with the daily activities of any County staff, but simply desires to receive meaningful notice of actions

that impact operations of the landfill. The Coalition's notice proposal is modeled on a resolution adopted by the Los Angeles City Council in 2003 regarding Sunshine Canyon. See Los Angeles City Council File Number 03-0978 ("[I]n addition to the Citizens Advisory Committee, the Granada Hills North Neighborhood Council and other interested groups be notified of all operational changes proposed for the landfill that were not full[y] analyzed in the Supplemental [E]nvironmental Impact Report, and that the affected community be given an adequate opportunity to comment and to request hearings and California Environmental Quality Act findings."), available at <http://cityclerk.lacity.org/CFI/>. Whether or not the Commission adopts our precise proposed changes, there must be some meaningful notice provision.

9. *Hours of operation (Coalition Proposed Condition 26/Staff Proposed Condition 25)*

BFI requests a change in the condition governing hours of operation, to permit site preparation and maintenance activities to commence at 5 a.m., an hour in advance of the landfill's 6 a.m. opening time. The City requires all landfill operations, including site preparation and maintenance, to start no earlier than 6 a.m. City Condition B-3-c. BFI's proposal would result in *longer* hours of operation under the County CUP than under the City Conditions – a result directly at odds with BFI's stated goal of conforming the CUP to the City's more restrictive conditions.

The Coalition has also proposed a limit on the number of days over the life of the CUP on which the Local Enforcement Agency is authorized to extend the facility's operating hours. This proposal is modeled on the upper limit contained in the 1993 CUP which limits the number of days over the life of the CUP on which BFI may be granted an exemption to the daily intake rate, and which staff has no objection to carrying forward into this CUP as Coalition Proposed Condition 18. Without an upper limit, the extension provision can be abused.

10. *Technical issues*

Coalition Proposed Condition 2/Staff Proposed Condition 2: Staff Proposed Condition 2 authorizes certain ancillary facilities and activities, but uses potentially vague and open-ended language that could be construed to permit BFI to construct facilities far beyond what was previously contemplated, analyzed, or mitigated in the SEIR and prior approvals. Staff objects to the Coalition's proposed language incorporating the SEIR by reference. The Coalition alternatively proposes the following specific language, which directly tracks the ancillary facilities described in the Draft SEIR at 2-41–2-42:

Offices and employee facilities related directly to the landfill and waste handling and processing operations allowed under this grant, but excluding offices and other facilities related to any other enterprises operated by the permittee or others,

provided that offices and employee facilities shall consist of no more than two portable trailer facilities consisting of approximately 4,200 square feet;

Two ~~One~~ caretaker's residences, consisting of a trailer of 1,604 square feet, or mobile homes;

Coalition Proposed Condition 21: The Proposed CUP prepared by staff contains a drafting error. Staff Proposed Condition 20 requires BFI to comply with the "Waste Plan Conformance Agreement entered into between the County and permittee pursuant to Conditional Use Permit 86-312-(5) [the 1993 CUP]." Staff Proposed Condition 21 then requires the permittee to enter into a *new* Waste Plan Conformance Agreement with the County. The Proposed CUP, however, only requires BFI to comply with the *old* Waste Plan Conformance Agreement and does not require BFI to comply with the *new* Waste Plan Conformance Agreement. Language should be added to cure this error. Technical flaws such as this underscore the need for review and comment on the final *language* of the CUP before the Planning Commission votes on this matter.

A New Subsequent Environmental Impact Report Should Be Prepared

As we explained in our April 6, 2005 comments, a new subsequent environmental impact report should be prepared.

First, the project has substantially changed from that previously approved by the County. The 1993 CUP approved a County-only landfill on a 215 acre footprint with an estimated disposal capacity of 16.9 million tons. The 1993 CUP also granted *conditional* authorization to BFI to expand landfilling operations onto an additional 42 acre footprint (known as "the bridge") with an estimated disposal capacity of 18 million tons if, but only if, BFI obtained approval from the City to conduct landfilling operations on the City-side of Sunshine Canyon. Now that the City has granted the requisite approval, the draft CUP would authorize BFI to expand the landfill onto an *additional* 42 acre footprint, with an *additional* disposal capacity of 18 million tons, with an extended site life of an *additional* 25 years beyond that actually approved in the 1993 CUP. The County has not previously imposed any mitigation measures in connection with these additional impacts because prior to the City granting its approval, it was uncertain whether the project would ever expand in this fashion. These substantial changes in the project should be fully analyzed now, so that the County can impose appropriate mitigation measures.

Second, new information also warrants the preparation of a new subsequent environmental impact report. In addition to the new information regarding air pollution and the discovery of 1,4-dioxane (a chemical known by the State of California to cause cancer or reproductive toxicity, 22 Cal. Code Regs §12000) and other contamination in Sunshine Canyon discussed in our April 6, 2005 letter, we also wish to draw the Commission's attention to newly-

obtained information regarding the impacts of the County-City landfill on traffic in the area, which also requires a subsequent environmental impact report.

Traffic counts conducted in May 2005 at key intersections show that the traffic projections relied on in the Addendum drastically understate the actual traffic in the vicinity of the landfill. The demonstrably flawed projections contained in the Addendum are the result of numerous methodological flaws in the analysis used therein. The County should therefore require further study of the landfill's impact on traffic, based on current observed traffic volumes and methodologically sound projections of future traffic growth. Moreover, the Addendum's conclusions that planned mitigation measures are adequate to address the impacts of Sunshine Canyon rest on its flawed projections regarding traffic volumes in the area. Because actual traffic volumes are significantly higher than projected by the Addendum, the Addendum's conclusion about the adequacy of mitigation measures is unreliable and the County should require further analysis of the proposed mitigation measures' effect on existing, actual traffic.

The Addendum's Conclusions Regarding Traffic are Demonstrably Incorrect

As explained in the report prepared by Minagar & Associates ("Minagar"), a nationally recognized traffic engineering consulting firm, actual May 2005 traffic counts at key intersections in the vicinity of Sunshine Canyon "demonstrate[] that the projections relied on in the Addendum grossly understate the actual traffic in the area" of the landfill. See Sunshine Canyon Landfill Traffic Assessment at 2, 5-7, 18-19 & Tables 1-2 (hereafter "Minagar Report"), attached as Exhibit 4. Minagar's analysis "further revealed numerous flaws in the methodology that further call into question the Addendum's analysis." *Id.* at 2. As Minagar concludes, "[b]ecause existing traffic volumes are significantly higher than expected, the Addendum's conclusions that any impacts of the Sunshine Canyon Landfill have been adequately addressed should be revisited. At a minimum, the County should require further analysis of the proposed mitigation measures' effect on existing traffic, not on traffic projections we now know to be grossly understated. Moreover, the County should also require further analysis of the actual proposed mitigation measures at the intersections [at] issue because the Addendum frequently misstated, and therefore could not have accurately analyzed, the planned traffic mitigation scheme." *Id.* at 19-20.

The Addendum relies on June 28, 2004 Updated Supplemental Traffic Data prepared by Linscott, Law & Greenspan (hereinafter the "LLG Report"). One of the LLG Report's central methodological flaws is that it used an ambient growth rate at 1.1% per year to estimate increases in traffic volumes from 2002, when existing traffic was counted. Addendum at 3-66. However, the Southern California Association of Governments computer models — which, as Minagar explains, take into account many factors that affect traffic, "such as changes in population, employment and housing," and therefore provide "a more global and accurate view of future traffic (Minagar Report at 4) — show the annual growth rate in the area of Sunshine Canyon has

been 2.77% between 2000 and 2005. Thus, LLG's 2004 traffic projections were premised on an unreasonably low growth rate. *Id.* Current traffic counts demonstrate that LLG's estimates were far wide of the mark, and as a result, its conclusions — relied on in the Addendum — are fundamentally flawed.

In May 2005, Minagar performed traffic counts and analyzed peak-hour levels of service at five of the key intersections analyzed by LLG: Roxford St. at Encinitas/I-5 Northbound Off-Ramp; San Fernando Rd. at Balboa Ave.; San Fernando Rd. at I-5 Southbound Off-Ramp; San Fernando Rd. at Sunshine Canyon; and San Fernando Rd. at Sierra Highway. *See* Minagar Report at 3; *compare id.*, Tables 1 & 2 with Addendum Table 3.3-10. To compare the May 2005 data to LLG's projections, Minagar projected LLG's estimates forward to 2005 based on the same premises underlying LLG's analysis. Minagar Report, Table 2 n. 3. Minagar found that existing traffic counts were substantially higher, and corresponding peak-hour levels of service were commensurately worse, at three of the five intersections than LLG's analysis would have predicted. *Id.*, Table 2.

In particular, LLG's analysis significantly underestimates afternoon peak traffic at the four intersections examined on San Fernando Rd. At the intersection of San Fernando and Sunshine Canyon, LLG projected a peak-hour afternoon traffic volume of 2,465 vehicles in 2005. Actual traffic observed at that intersection in May 2005 was 4,047 vehicles, 67% greater than LLG's analysis would have predicted. *Id.* At the other San Fernando Rd. intersections examined, LLG's analysis underestimates the actual peak-hour afternoon traffic observed at those locations by 37 to 49%. *Id.* LLG's analysis similarly underestimates the peak-hour morning traffic at the entrance to Sunshine Canyon by 17%. *Id.*

Because LLG's analysis substantially understated actual traffic volumes, its conclusions regarding levels of service at the key intersections are equally unreliable. By LLG's analysis, the 2005 level of service at the San Fernando/Sunshine Canyon intersection should rate an "E" in peak morning hours, and an "A" in peak afternoon hours. Based on existing 2005 traffic, however, that intersection actually rates an "F" in both morning and afternoon peak hours. Minagar Report, Table 1. Similarly, by LLG's analysis, the intersection of San Fernando and the I-5 southbound off-ramp should rate a "B," and the intersection of San Fernando and Sierra Hwy. should rate a "C," in peak afternoon hours. However, *actual* 2005 traffic volumes show that the level of service at both intersections rates an "F." *Id.* That is, the intersections *fail* in their capacity to handle *existing* traffic.

Because actual levels of service at the intersections affected by the landfill are significantly worse than LLG's analysis would have predicted, the Addendum's conclusions based on that analysis that existing mitigation requirements are sufficient to alleviate the landfill's traffic impacts are unsupportable. Minagar Report at 19. For example, at the San Fernando/Sunshine Canyon intersection, LLG estimates that existing mitigation measures will

improve the projected 2004 "C" level of service in afternoon peak hours, based on a volume-to-capacity ("V/C") ratio of .727, to an "A," with a V/C ratio of .542. Addendum Table 3.3-10. In contrast, the *actual* V/C ratio at that intersection in May 2005 was 1.4, rating an "F" level of service. Minagar Report, Table 2. There is no reason to believe, without further analysis, that existing mitigation measures would be sufficient to address this substantially worse level of service in a satisfactory manner. At a minimum, the County should require reexamination of traffic impacts based on current data or *reliable* projections to determine whether existing mitigation requirements are sufficient or whether further mitigation measures should be considered. Minagar Report at 19.

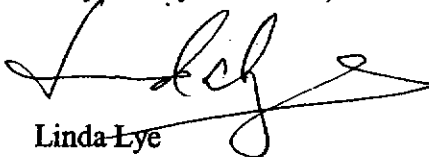
Further Flaws in Methodology Render Prior Traffic Analyses Unreliable

LLG's unreasonably low presumed growth rate taints its projections for traffic volumes from 2002, when it last counted existing traffic at key intersections affected by Sunshine Canyon, to the present. There is also reason to question LLG's analysis of proposed measures to mitigate the landfill's traffic impacts.

In several instances the traffic mitigation measures analyzed by LLG are not consistent with those proposed in the Mitigation Reporting and Monitoring Program ("MRMP"). Minagar Report at 16-17. In particular, LLG analyzed mitigation measures at the San Fernando/Sunshine Canyon, San Fernando/Balboa Rd., and Roxford/I-5 southbound off-ramp intersections that differ from those proposed in the MRMP. *Id.* LLG analyzed the effects of mitigation measures at the intersection of San Fernando Rd. and the I-5 southbound off-ramp, even though no mitigation had been proposed at that location. *Id.* at 16. In fact, LLG had not even listed this intersection as significantly impacted by the landfill. Addendum, Table 3.3-10.

Because LLG analyzed different mitigation measures from those that have been proposed, its conclusions that the proposed mitigation measures are sufficient to address the impacts of the landfill "simply have no basis." Minagar Report at 5; *see also id.* at 19-20. To the extent that these flaws in methodology suggest that mitigation measures *other* than those proposed in the MRMP are necessary to address the landfill's traffic impacts, or that the proposals contained in the MRMP are not sufficient to address those impacts, or that additional intersections not previously identified as significantly impacted *are* significantly impacted by the project, further analysis is clearly needed.

Respectfully submitted,



Linda Lye

EXHIBIT 3

GLADSTEIN, NEANDROSS & ASSOCIATES LLC

Building an Environmental and Socially Responsible Future

COMMENTS REGARDING PROPOSED COUNTY OF LOS ANGELES CONDITIONAL USE PERMIT NO. 00-195-(5)

GENERAL DESCRIPTION

Browning Ferris Industries of California, Inc. (BFI) is an applicant for Conditional Use Permit (CUP) 00-194-(5). BFI operates the Sunshine Canyon Landfill, which comprises the currently operating County portion of the facility and the recently approved City portion. The stated purpose of the proposed CUP is the modification of prior permits to align with City approved entitlements for the joint development of the Sunshine Canyon Landfill.

At the request of Altshuler, Berzon, Nussbaum, Rubin & Demain, GNA has reviewed relevant documentation pertaining to heavy-duty natural gas engines and contacted industry representatives to verify the status of engine development and availability. Based on our evaluation, GNA has found that both Cummins and John Deere have engines available for collection trucks and at least two heavy-duty natural gas engines with 400+ horsepower will be available to support the deployment of alternative fuel, low emission transfer trucks to service the proposed expansion at Sunshine Canyon Landfill.

Following is a brief description of GNA's qualifications followed by our observations, which are formatted as brief statements with explanatory summaries. These statements were prepared by Clifford E. Gladstein and Karen Sagen, whose extensive experience and qualifications are detailed below.

GNA QUALIFICATIONS

Gladstein, Neandross & Associates is widely recognized throughout the United States for its expertise on air quality issues and alternative fuel vehicles as well as alternative and renewable energy issues, land use policy and sustainable development practices. Every member of GNA's staff has extensive experience helping local, regional, state and federal government agencies, private utilities, energy service companies, power providers, alternative fuel providers, engine and vehicle manufacturers, trade associations, large corporations, small businesses, developers, environmental, labor and community-based organizations meet the challenge of sustainable operations and economic development.

Clifford E. Gladstein is the President of GNA. For nearly twenty years, Mr. Gladstein has been a leader at the local, state and national levels in the effort to develop cost-effective policies and programs to reduce pollution from transportation, relieve the nation's dependence on petroleum, and create innovative public-private partnerships to pursue market-based solutions for environmental problems.

Mr. Gladstein is the Founder of the Interstate Clean Transportation Corridor (ICTC), the nation's first and most successful public-private partnership to accelerate the commercialization of clean, alternative fuel vehicles in the interstate movement of goods. Under his leadership, the ICTC has raised over \$50 million dollars in grants to build over 20 natural gas fueling stations and deploy over 600 heavy-duty low emission trucks. Gladstein has assisted the development of two west coast-based liquefied natural gas (LNG) import terminals, and has spearheaded the effort to convert diesel-powered cargo-handling

equipment in the ports of Los Angeles and Long Beach to LNG. Gladstein helped conceive and is part of the team that created and manages the Gateway Cities Clean Air Program and its innovative Fleet Modernization program that buys and destroys gross polluting trucks and replaces them with much cleaner newer previously owned trucks. Gladstein helped develop the offset program for the Otay Mesa power plant in San Diego County, which relied on Emission Reduction Credits (ERCs) that GNA generated from the conversion of diesel trash trucks to natural gas and replacing engines on marine vessels. Mr. Gladstein has used his knowledge and experience in developing and implementing technology deployment programs for the Department of Energy Clean Cities Program, Southern California Gas Company, Southern California Edison, Pacific Gas & Electric, American Honda, Mitsubishi Corporation and the South Coast Air Quality Management District's Leadership Cities program, to name but a few. In addition, he was part of the team that created the Carl Moyer Air Quality Standards Attainment Program, California's highly successful program to reduce emissions from diesel engines, and helped with the development of the Texas Emission Reduction Program (TERP), another of the nation's most significant low-emission vehicle incentive programs.

Gladstein is the Vice President of the California League of Conservation Voters, and is the only person to have served as president of both Heal the Bay and the Coalition for Clean Air. He is a graduate of Duke University, and holds three graduate degrees from the University of Texas, Austin and the University of California, Los Angeles.

Karen Sagen is a Senior Associate with GNA and began with the company in 1999. Over the course of the subsequent five and a half years, Ms. Sagen has secured a tremendous amount of experience in the review and analysis of scientific and technical studies related to air quality, alternative fuel and low emission vehicles and technologies. Ms. Sagen utilizes these skills to develop long-range compliance and planning strategies for public agencies and private clients. Through her extensive outreach efforts to public and private fleet operators, fuel providers and other related companies to facilitate the development of alternative fuel infrastructure, Ms. Sagen has developed a comprehensive knowledge of the process and technical aspects required to develop and build alternative fuel fueling facilities. Ms. Sagen has been intimately involved with GNA's activities focused on developing LNG and Liquefied to Compressed Natural Gas (LCNG) fueling facilities in the City of Tulare, County of Riverside, City of Barstow, City of San Bernardino, City of Commerce, City of Banning; at Downs Commercial Fueling, Sysco Food Services of Los Angeles and Yusen Terminals.

Ms. Sagen has over 12 years of experience in the engineering and legal professions. As a Land Planning Associate, she provided services aimed at gaining discretionary actions from government agencies. Ms. Sagen also prepared and managed contracts for services by coordinating the efforts of internal engineers and outside vendors to assure timely and high quality performance of contract goals. While working in securities arbitration, she supervised the administrative staff, compiled profit and loss statements for brokerage accounts and was responsible for monitoring the workflow of several hundred active claims. Ms. Sagen earned her Bachelors Degree in Environmental Studies from U.C.L.A.

AVAILABILITY OF NATURAL GAS TRUCKS

There are currently at least 25 fleets in California that have waste hauling trucks that are powered by liquefied natural gas (LNG). These fleets include a combination of natural gas side loaders, front loaders and transfer trucks. At present, both Cummins and John Deere have dedicated natural gas powered engine offerings that are integrated into various collection chassis made by Crane Carrier, Autocar, Peterbilt and Sterling. The variety of options and expanding market are a testament to the fact that low emission, natural gas powered collection trucks are both technically feasible and commercially available.

Transfer trucks are typically powered with 400+ horsepower engines. There are hundreds of low-emission natural gas engines which meet this power requirement either being used in a transfer truck, grocery deliver truck or line haul application. The extensive hours logged by these rigs has proven that the technology has the power and durability to perform well in heavy-duty applications requiring plenty of torque. The C-12 Dual-Fuel engine manufactured by Clean Air Power (CAP) has been the most popular engine for natural gas powered transfer trucks. This engine has been replaced with the C-13 engine, which utilizes Caterpillar's Advanced Combustion Emissions Reduction Technology (ACERT) technology. GNA has worked closely with Clean Air Power throughout late 2004 and early 2005 to track their Dual-Fuel engine program, specifically their development of the C-13 engine that would comply with US EPA 2007-2010 emission standards. Based on conversations with CAP, GNA understands that CAP plans to have the C-13 commercially available in the 3rd or 4th quarter 2006. CAP is targeting performance at 425 hp, 1450 lb-ft torque, 2007-2010 EPA emission standards and compliance with the definition for pilot ignition heavy-duty engines as set by SCAQMD and ARB.

Clean Air Power is not the only company working on the development of a 400+ hp low-emission natural gas engine. Cummins Westport has developed and demonstrated the High Pressure Direct Injection (HPDI) engine, which is a compression ignition engine that uses diesel fuel as a pilot. GNA understands that the South Coast Air Quality Management District and U.S. Department of Energy have provided cost-share to Westport Innovations to support the further development of the HPDI engine program. This project includes the development and deployment of the next generation of the 14.9-litre ISX-G engine. CWI intends to have the ISX-G certified to 1.2 g/bhp-hr NO_x by the end of 2005 and further reduce the emissions to 0.2 g/bhp-hr by 2008. With the ISX-G at 450 horsepower and 1650 lb-ft torque, and the C-13 at 425 hp, either engine will have sufficient power for the transfer truck application.

EXHIBIT 4

FINAL

**Sunshine Canyon Landfill
Traffic Assessment**
In the
**City of Los Angeles, California
County of Los Angeles, California**

Prepared for:
Altshuler, Berzon, Nussbaum, Rubin & Demain
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July 28, 2005

Sunshine Canyon Landfill Traffic Assessment

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I. Introduction and Background

In October 2004 the County of Los Angeles Planning Department issued an Addendum to the Draft Final Subsequent Environmental Impact Report ("Addendum") for Sunshine Canyon Landfill analyzing a proposed expansion of the county section of the landfill. Minagar & Associates, Inc. was retained by Altshuler, Berzon, Nussbaum, Rubin & Demain to count existing traffic volumes at key intersections affected by Sunshine Canyon Landfill, analyze peak hour levels of services (LOS) at those intersections, & compare new data to traffic volumes & level of service projections at these same intersections relied upon in the Addendum.

Our analysis was based on existing traffic volumes in May 2005, which demonstrate that the projections relied upon in the Addendum grossly understate the actual traffic in the area. Our analysis revealed numerous flaws that further call into question the Addendum's analysis. Below we first provide a summary of Minagar & Associates, Inc.'s qualifications. We then provide a brief overview of our findings and their significance.

a. Background & Experience Evaluating Traffic Impact

Minagar & Associates, Inc. is a traffic engineering, transportation planning & Intelligent Transportation Systems (ITS) consulting firm that has been repeatedly recognized for its expertise in these areas. Minagar & Associates and Fred Minagar have received numerous state & national awards including Public Technology Institute's Best Transportation Technology Solutions Award in the United States for the Year 2003 and the California Alliance for Advanced Transportation Systems (CAATS) Award of Excellence for Best Return on Investment in the State of California for the Year 2002. Fred Minagar, a registered engineer in California, New Jersey and Oregon, is a recognized national authority in the area of ITS, traffic engineering & transportation planning. In the past 22 years, Mr. Minagar has managed & administered over 100 ITS and 250 traffic engineering projects in 15 states across the United States. He has conducted numerous ITS and traffic engineering workshops for the Federal Highway Administration (FHWA), Institute of Transportation Engineers (ITE) National, Caltrans, Los Angeles County Metropolitan Transportation Authority, various departments of transportation (DOTs), cities and Governments of China & South Korea. He has served as city traffic engineer for 4 cities in Southern California. He has served as chairperson of the traffic & transportation committee



for the City of Laguna Niguel for the past 8 years. He has also served on a number of ITE technical committees at local, regional & national levels. Mr. Minagar's most recent project, Traffic Signal Synchronization of 121 City, County and Caltrans locations has won the PTI's *2003 Award of the Best Transportation Technology Solutions in the United States* as well as the CAATS' *2002 Award of Excellence for Best California Return on Investment Project*.

Among the numerous traffic engineering, transportation planning and ITS projects Minagar & Associates, Inc. has been involved in over the years, they have analyzed and assessed the impact of over 40 projects in eight states across the United States, including Somerset County's Landfill and Bellemead Development Traffic Impact Assessment in Montgomery Township, New Jersey. Minagar & Associates, Inc. and Fred Minagar have also been involved in projects for the Trammell Crow Company, Wal-Mart Corporation, Chrysler Corporation, Lockheed Martin, Port of San Diego and numerous state and regional governing entities.

b. Overview of Methodology & Findings

Between May 23 and 26, 2005, we counted existing traffic volumes during morning & afternoon peak hours at 5 key intersections in the vicinity of Sunshine Canyon:

1. Roxford St. & Encinitas/I-5 NB Off-Ramp
2. San Fernando Rd. & Balboa Rd.
3. San Fernando Rd. & I-5 SB Off-Ramp
4. San Fernando Rd. & Sunshine Canyon (Main Entrance)
5. San Fernando Rd. & Sierra Highway

The landfill's impacts on traffic at each of these intersections were analyzed in the Addendum. We selected the 4 intersections on San Fernando Rd. for further analysis because they are the closest intersections to the Sunshine Canyon Landfill. We selected the Roxford & Encinitas/I-5 NB Off-Ramp for further analysis because it is the nearest northbound exit from the I-5 to the landfill & is therefore the most likely to be affected by landfill related traffic arriving from the south.

The most recent counts of existing traffic volumes at the analyzed intersections were performed in 2002. The Addendum relied on projections of future traffic volumes to 2004 based on, among other things, an ambient growth rate of 1.1% per year. To compare our May 2005 existing traffic counts to the projection, we applied the same 1.1% to the 2004 traffic projections relied on in the Addendum.

intersection's LOS in the morning peak hours as an "E" with a v/c ratio of .93 and the afternoon peak hour LOS as an "A" with a v/c ratio of .59.

In addition to these basic flaws in assumptions underlying the landfill's traffic impacts, the Addendum's analysis contains numerous other flaws. For example, in several instances, the Addendum's analysis incorporates proposed traffic mitigation measures that differ from the measures proposed in the Mitigation Reporting & Monitoring Program. Because the Addendum analyzed different mitigation measures than those that have been proposed, its conclusion that the proposed mitigation measures will adequately address the landfill's impact on traffic simply has no basis.

c. Project Location & Existing Conditions (2005) ¹

i. Figure 1: Vicinity Map

ii. Figure 2: Study Intersection Locations

iii. The following geometries are shown in Figures 3-8. The intersection volumes and level of service summaries for the first five intersections are shown on Table 1.

iv. Roxford St. & Encinitas/I-5 NB Off-Ramp

1. Current geometry shown on Figure 3.

- a. NB approach: One exclusive left-turn lane, one shared through/left-turn lane and one shared through/right-turn lane.
 - b. EB approach: One exclusive left-turn lane, one through lane and one shared through/right-turn lane.
 - c. SB approach: One dedicated left turn lane and one combination left-turn/through/right-turn lane.
 - d. WB approach: One exclusive left-turn lane, one through lane and one shared through/right-turn lane.
- 2. Total intersection volume is currently 2,596 vehicles in the AM peak hour and 3,089 vehicles in the PM peak hour.**
- 3. Currently operates at Level of Service (LOS) "C" in the AM peak hour and LOS "C" in the PM peak hour.**

¹ Based on Turning Movement Counts and LOS/ V/C Assessments performed by Minagar and Associates, Inc. in May 2005.

v. San Fernando Rd. & Balboa Rd.

1. Current geometry shown on Figure 4.
 - a. NB approach: One exclusive left-turn lane, two through lanes.
 - b. EB approach: One exclusive left turn lane, one shared left-turn/right-turn lane.
 - c. SB approach: One through lane, one shared through/right-turn lane.
2. Total intersection volume is currently 3,657 vehicles in the AM peak hour and 4,006 vehicles in the PM peak hour.
3. Currently operates at LOS "F" in the AM and PM peak hours, which is considered failing according to LADOT Traffic Study Policies (2002).

vi. San Fernando Rd. & I-5 SB off-ramp

1. Current geometry shown on Figure 5.
 - a. NB approach: Two through lanes.
 - b. EB approach: One shared left-turn/right-turn lane, one exclusive right-turn lane.
 - c. SB approach: Two through lanes.
2. Total intersection volume is currently 3,153 vehicles in the AM peak hour and 4,184 vehicles in the PM peak hour.
3. Currently operates at LOS "E" in the AM peak hour and LOS "F" in the PM peak hour, which are considered poor and failing, respectively, according to LADOT Traffic Study Policies (2002).

vii. San Fernando Rd. & Sunshine Canyon (main entrance)

1. Current geometry shown on Figure 6.
 - a. NB approach: One exclusive left-turn lane, two through lanes.
 - b. EB approach: One exclusive left-turn lane, one exclusive right-turn lane.
 - c. SB approach: One through lane, one shared through/right-turn lane.
2. Total intersection volume is currently 3,567 vehicles in the AM peak hour and 4,047 vehicles in the PM peak hour.



3. Currently operates at LOS "F" in both the AM and PM peak hours. This is considered failing according to LADOT Traffic Study Policies.

viii. San Fernando Rd. & Sierra Hwy.

1. Current geometry shown on Figure 7.
 - a. NB approach: One through lane, one exclusive right-turn lane.
 - b. SB approach: Two through lanes, one exclusive left-turn lane.
 - c. WB approach: One exclusive left turn lane, one shared left-turn/right-turn lane.
2. Total intersection volume is currently 2,366 vehicles in the AM peak hour and 3,124 vehicles in the PM peak hour.
3. Currently operates at LOS "D" in the AM peak hour. In the PM peak hour, this intersection operates at LOS "F", which is considered failing by LADOT.

ix. Roxford St. & I-5 SB ramps

1. Current geometry shown on Figure 8.
 - a. NB approach: NONE (I-5 SB on-ramp)
 - b. EB approach: One shared through/right-turn lane.
 - c. SB approach: one shared left-turn/through lane and one shared through/right-turn lane.
 - d. WB approach: One through lane, one exclusive left-turn lane.

II. Discrepancies and Inadequacies within and among DEIR, DSEIR & Addendum to FEIR/FSEIR (referred to throughout as the Addendum) (70 items)

a. Growth Factor Assumptions (5 items)

- i. Based on the Southern California Association of Governments (SCAG) computer model for overall growth in Southern California for the 2004 Regional Transportation Plan, the projected annual growth rate for the area in which Sunshine Canyon Landfill is located was 3.3% per year between 1997 and 2000. The DSEIR assumption of 1% per year (DSEIR p.4-336) is wholly inconsistent with the SCAG projections.
- ii. Based on the same SCAG computer model results from 2004, the annual growth rate for the same area was 2.77% per year



between 2000 and 2005. The Addendum to the FEIR/FSEIR assumption of 1.1% per year (Addendum p.3-66) is also inconsistent with these projections.

- iii. In the Draft Environmental Impact Report (1993), the statement that a growth factor of 6% (p. 192) was assumed for 1988 to 1998 was not clear in specifying whether this percentage was a yearly growth rate to be compounded over ten years or a total growth rate.
 - iv. In the Draft Subsequent Environmental Report (1997), the assumption of a growth factor of 1% per year (page 4-336) has not been justified or substantiated.
 - v. In the Addendum to the FEIR & FSEIR (2004), the assumption of a growth factor of 1.1% per year (page 3-66) has not been justified or substantiated. Tables 3.3-3 and 3.3-4 of the same document show that the average annual growth is 4.43% in the AM peak hour and 1.13% in the PM peak hour for the time period between 1992 (when the DSEIR counts were taken) and 2002 (when the Addendum counts were taken). The average of these tabulations would be 2.78% per year.
- b. Traffic Forecasts and Volumes (51 items)
- i. A comparison of 1998 existing plus growth factor forecasts from the DEIR (1993, Appendix E) and DSEIR (1997, Figure 4.13-12 and 4.13-13) found the following discrepancies in traffic volumes (36 items):
 - 1. At the intersection of San Fernando Rd. & Sepulveda Blvd., the volume for the northbound through movement on San Fernando Rd. during the AM peak hour is drastically higher in the DEIR (97 vehicles per hour) than in the DSEIR (63 VPH).
 - 2. At the intersection of San Fernando Rd. & Sepulveda Blvd., the volume for the left turn movement from Sepulveda Blvd. onto northbound San Fernando Rd. during the AM peak hour is much higher in the DEIR (70 VPH) than in the DSEIR (30 VPH).
 - 3. At the intersection of San Fernando Rd. & Sepulveda Blvd., the volume for the right turn movement from Sepulveda Blvd. onto southbound San Fernando Rd.

during the AM peak hour is much higher in the DEIR (16 VPH) than in the DSEIR (4 VPH).

4. At the intersection of San Fernando Rd. & Sepulveda Blvd., the volume for the northbound left turn movement onto Sepulveda Blvd. during the PM peak hour is much higher in the DEIR (19 VPH) than in the DSEIR (1 VPH).
5. At the intersection of San Fernando Rd. & Sepulveda Blvd., the volume for the southbound through movement on San Fernando Rd. during the PM peak hour is much higher in the DEIR (161 VPH) than in the DSEIR (111 VPH).
6. At the intersection of San Fernando Rd. & Sepulveda Blvd., the volume for the southbound right turn movement onto Sepulveda Blvd. during the PM peak hour is much higher in the DEIR (149 VPH) than in the DSEIR (68 VPH).
7. At the intersection of San Fernando Rd. & Sepulveda Blvd., the volume for the left turn movement from Sepulveda Blvd. on to San Fernando Rd. during the PM peak hour is much higher in the DEIR (142 VPH) than in the DSEIR (84 VPH).
8. At the intersection of San Fernando Rd. and the site driveway, the volume for the northbound through movement on San Fernando Rd. during the AM peak hour is drastically higher in the DEIR (491 VPH) than in the DSEIR (410 VPH).
9. At the intersection of San Fernando Rd. and the site driveway, the volume for the southbound through movement on San Fernando Rd. during the PM peak hour is much higher in the DEIR (811 VPH) than in the DSEIR (679 VPH).
10. At the intersection of San Fernando Rd. and Balboa Rd., the volume for the northbound left movement from San Fernando Rd. onto Balboa Rd. during the AM peak hour is much higher in the DEIR (50 VPH) than in the DSEIR (19 VPH).

11. At the intersection of San Fernando Rd. and Balboa Rd., the volume for the northbound through movement on San Fernando Rd. during the AM peak hour is much higher in the DEIR (120 VPH) than in the DSEIR (61 VPH).
12. At the intersection of San Fernando Rd. and Balboa Rd., the volume for the southbound through movement on San Fernando Rd. during the AM peak hour is much higher in the DEIR (1130 VPH) than in the DSEIR (1028 VPH), a difference of 102 vehicles.
13. At the intersection of San Fernando Rd. and Balboa Rd., the volume for the right turn movement from Balboa Rd. onto San Fernando Rd. during the AM peak hour is much higher in the DEIR (142 VPH) than in the DSEIR (95 VPH).
14. At the intersection of San Fernando Rd. and Balboa Rd., the volume for the northbound left turn movement from San Fernando Rd. onto Balboa Rd. during the PM peak hour is much higher in the DEIR (92 VPH) than in the DSEIR (64 VPH).
15. At the intersection of San Fernando Rd. and Balboa Rd., the volume for the northbound through movement on San Fernando Rd. during the PM peak hour is much higher in the DEIR (416 VPH) than in the DSEIR (338 VPH).
16. At the intersection of San Fernando Rd. and Balboa Rd., the volume for the southbound through movement on San Fernando Rd. during the PM peak hour is much higher in the DEIR (193 VPH) than in the DSEIR (106 VPH).
17. At the intersection of San Fernando Rd. and Balboa Rd., the volume for the southbound right movement from San Fernando Rd. onto Balboa Rd. during the PM peak hour is much higher in the DEIR (702 VPH) than in the DSEIR (558 VPH), a difference of 144 vehicles.
18. At the intersection of San Fernando Rd. and the I-5 off-ramp, the volume for the northbound through movement on San Fernando Rd. during the AM peak



hour is much higher in the DEIR (497 VPH) than in the DSEIR (410 VPH).

19. At the intersection of San Fernando Rd. and the I-5 off-ramp, the volume for the southbound through movement on San Fernando Rd. during the AM peak hour is much higher in the DEIR (962 VPH) than in the DSEIR (641 VPH), a difference of 321 vehicles.
20. At the intersection of San Fernando Rd. and the I-5 off-ramp, the volume for the northbound through movement on San Fernando Rd. during the PM peak hour is drastically higher in the DSEIR (1717 VPH) than in the DEIR (204 VPH), a difference of 1,513 vehicles.
21. At the intersection of San Fernando Rd. and the I-5 off-ramp, the volume for the eastbound right turn movement onto San Fernando Rd. during the PM peak hours is much higher in the DEIR (602 VPH) than in the DSEIR (468 VPH), a difference of 134 vehicles.
22. At the intersection of San Fernando Rd. and Roxford St., the volume for the southbound left turn movement during the AM peak hour is much higher in the DEIR (102 VPH) than in the DSEIR (80 VPH).
23. At the intersection of San Fernando Rd. and Roxford St., the volume for the southbound right turn movement during the AM peak hour is much higher in the DEIR (57 VPH) than in the DSEIR (23 VPH).
24. At the intersection of San Fernando Rd. and Roxford St., the volume for the eastbound through movement during the AM peak hour is much higher in the DEIR (456 VPH) than in the DSEIR (259 VPH), a difference of 197 vehicles.
25. At the intersection of San Fernando Rd. and Roxford St., the volume for the west bound through movement during the AM peak hour is much higher in the DEIR (82 VPH) than in the DSEIR (45 VPH).
26. At the intersection of San Fernando Rd. and Roxford St., the volume for the northbound left movement in the PM peak hour is much higher in the DEIR (250 VPH)



than in the DSEIR (21 VPH), a difference of 229 vehicles.

27. At the intersection of San Fernando Rd. and Roxford St., the volume for the eastbound through movement during the PM peak hour is much higher in the DEIR (405 VPH) than in the DSEIR (125 VPH), a difference of 280 vehicles.
28. At the intersection of San Fernando Rd. and Roxford St., the volume for the eastbound right turn movement during the PM peak hour is much higher in the DEIR (134 VPH) than in the DSEIR (16 VPH), a difference of 118 vehicles.
29. At the intersection of San Fernando Rd. and Roxford St., the volume for the westbound through movement during the PM peak hour is much higher in the DEIR (330 VPH) than in the DSEIR (193 VPH), a difference of 137 vehicles.
30. At the intersection of San Fernando Rd. and Roxford St., the volume for the westbound right turn movement during the PM Peak hour is much higher in the DEIR (80 VPH) than in the DSEIR (60 VPH).
31. At the intersection of Foothill Blvd. and Yarnell St., the volume for the westbound through movement during the AM peak hour is much higher in the DEIR (223 VPH) than in the DSEIR (135 VPH).
32. At the intersection of Foothill Blvd. and Yarnell St., the volume for the westbound right turn movement during the AM peak hour is much higher in the DEIR (230 VPH) than in the DSEIR (192 VPH).
33. At the intersection of Foothill Blvd. and Yarnell St., the volume for the eastbound left turn movement during the PM peak hour is much higher in the DEIR (124 VPH) than in the DSEIR (83 VPH).
34. At the intersection of Foothill Blvd. and Yarnell St., the volume for the eastbound through movement during the PM peak hour is much higher in the DEIR (239 VPH) than in the DSEIR (132 VPH), a difference of 107 vehicles.



35. At the intersection of Foothill Blvd. and Yamell St., the volume for the westbound through movement during the PM peak hour is much higher in the DEIR (156 VPH) than in the DSEIR (110 VPH).
- ii. The Existing 1995 AM Peak-Hour Traffic Volumes (DSEIR Figure 4.13-3) and the Existing 2002 AM Peak Hour Traffic Volumes (Addendum FEIR Exhibit 5) were compared for reasonable baseline conditions. Southern California is known for its constant growth, and it is expected that over the course of seven years, traffic volumes will gradually increase. The following lists discrepancies that are not reasonably explained (9 items):
1. At the intersection of San Fernando Rd. and the I-5 off-ramp, the DSEIR counted 622 vehicles to make the right turn movement onto southbound San Fernando. The Addendum FEIR (which will now be referred to as the Addendum) counted 490 vehicles, an inexplicable reduction of 132 vehicles.
 2. At the intersection of San Fernando Rd. and the main project entrance driveway, the DSEIR counted 398 vehicles following the northbound through movement on San Fernando Rd. The Addendum counted 340 vehicles.
 3. At the intersection of San Fernando Rd. and Balboa Rd., the DSEIR counted 350 vehicles making the right turn movement from Balboa Rd. onto northbound San Fernando Rd. The Addendum counted 281 vehicles.
 4. At the intersection of San Fernando Rd. and Sepulveda Blvd., the DSEIR counted 740 vehicles making the right turn movement from San Fernando Rd. onto Sepulveda Blvd. The Addendum counted 577 vehicles making the same movement, an inexplicable reduction of 163 vehicles.
 5. At the intersection of Roxford St. and the I-5 SB off-ramp, the DSEIR counted 188 vehicles making the left turn movement off the off-ramp. The Addendum counted 149 vehicles making the same movement.



3. At the intersection of Yarnell St. and the I-210 EB off-ramp, the DSEIR counts 164 vehicles making the right turn movement off the off-ramp onto southbound Yarnell St. The Addendum counts 124 vehicles making the same movement.
 4. At the intersection of Yarnell St. and Foothill Blvd., the DSEIR counts 147 vehicles making the southbound left turn movement from Yarnell St. onto eastbound Foothill Blvd. The Addendum counts 125 vehicles making the same movement.
 5. At the intersection of Yarnell St. and Foothill Blvd., the DSEIR counts 107 vehicles making the westbound through movement on Foothill Blvd. The Addendum counts 82 vehicles making the same movement.
 6. At the intersection of Foothill Blvd. and Sierra Hwy., the DSEIR counts 737 vehicles making the northbound through movement on Sierra Hwy. The Addendum counts 306 vehicles making the same movement, an inexplicable reduction of 431 vehicles.
 7. At the intersection of San Fernando Rd. and Sierra Hwy. the DSEIR counts 1180 vehicles making the northbound right turn movement from San Fernando Rd. onto Sierra Hwy. The Addendum only counts 995 vehicles making the same movement, an inexplicable reduction of 185 vehicles.
- iv. In the Addendum, the PM peak hour volume on Table #11 at Roxford St. and I-5 NB Off-Ramp has been reported as 2,561. According to the traffic counts included in the appendix of the same document, the count should be 2,410.
- c. Trip Generation and Distribution (1 item)
- i. The trip distribution differs between the DEIR and DSEIR. The DEIR allocates 58% of trips to originate east of the 1-5, and 30% from the south. The DSEIR estimates 68% of trips will originate east of the I-5 and 20% from the south. The Addendum to the FEIR/FSEIR assumes a distribution of 12% coming from the north on San Fernando Rd., and the remaining 88% coming from the south on San Fernando Rd. These inconsistencies are never justified.



d. Intersection Capacity Analysis (9 items)

- i. The following items refer to Table 12 – Supplemental Peak Hour Intersection Capacity Analysis Summary (Addendum to FEIR/FSEIR – 2004) and corresponding Critical Movement Analysis worksheets. Both can be found in Appendix B “CMA/LOS Calculation Sheets.” (5 items)

1. San Fernando Rd. at Balboa Rd. - The Existing 2002 PM peak hour LOS is noted as “D” in Table 12, which conflicts with the worksheet’s finding of LOS “C”.
2. San Fernando Rd. at Balboa Rd. – The mitigation measures analyzed in the CMA scenario “2004 with mitigation” are inconsistent with those proposed in the Mitigation Reporting and Monitoring Program (MRMP) No. 137. The MRMP No. 137 proposed the addition of a northbound left-turn lane, shared through/left-turn lane and shared through/right-turn lane. The CMA worksheet analyzed a scenario in which the westbound approach would be restriped to convert a westbound through lane to a shared westbound through/left-turn lane, which would improve the LOS during the PM peak hour from “F” to “E.”
3. San Fernando Rd. at I-5 SB Off-Ramp – The CMA analyzed a 2004 with Mitigation scenario that added a new eastbound left turn lane. However, this intersection was not considered to be significantly impacted and no mitigation measures for this intersection have been listed in the MRMP.
4. San Fernando Rd. at Sunshine Canyon - The mitigation measures proposed in the MRMP No.141 are inconsistent with the CMA worksheet. Specifically, the restriping of the northbound approach to consist of one through lane and one left turn lane is omitted from the worksheet, and the installation of an eastbound right-turn/northbound left-turn overlap is analyzed as a mitigation measure on the CMA worksheet.
5. Roxford St. at I-5 SB Off-Ramp – The mitigation measure analyzed in the CMA worksheet is not consistent with the measures set forth in MRMP No. 136. The CMA worksheet analyzes the addition of a second southbound left turn lane, while the MRMP No.



136 proposed restriping the westbound approach to consist of dual left-turn lanes and one through lane.

- ii. The following items refer to Exhibit 2 of the Addendum "Existing Roadway Conditions and Intersection Controls" in comparison to the CMA worksheets in the Appendix. (3 items)
 - 1. San Fernando Rd. at Sunshine Canyon – Exhibit 2 shows this intersection to be signalized, but the CMA worksheet has analyzed it as an unsignalized intersection.
 - 2. Roxford St. at I-5 SB Off-Ramp – Exhibit 2 shows this intersection to be unsignalized, but the CMA worksheet has analyzed it as being signalized with a 2-phase signal system.
 - 3. San Fernando Rd. at I-5 SB Off-Ramp – Exhibit 2 shows this intersection to be unsignalized, but the CMA worksheet has analyzed it as being signalized with a 2-phase signal system.
- iii. The CMA worksheets in Appendix B of the Addendum fail to properly indicate use of the Planning or Operational analyses for LOS assessment of existing 2002 and projected 2004 scenarios. It is unknown which analysis was used for each scenario; therefore an equivalent calculation could not be made.
- e. Mitigation Measures and Implementation – Refer to Figure 9 – Intersection Geometry Comparison (3 items)
 - i. San Fernando Rd. at Sunshine Canyon – The mitigation measure proposed in February 1999 that called for the restriping of San Fernando Rd.'s northbound approach to consist of one through lane and one left-turn lane has not been implemented to date.
 - ii. San Fernando Rd. at Sierra Hwy. – The mitigation measure proposed in February 1999 that called for the restriping of the northbound approach to consist of one combination through/right-turn lane and one dedicated right turn lane has not been implemented to date.
 - iii. Roxford St. at I-5 SB Off-Ramp – The mitigation measure proposed in February 1999 that called for the restriping of the



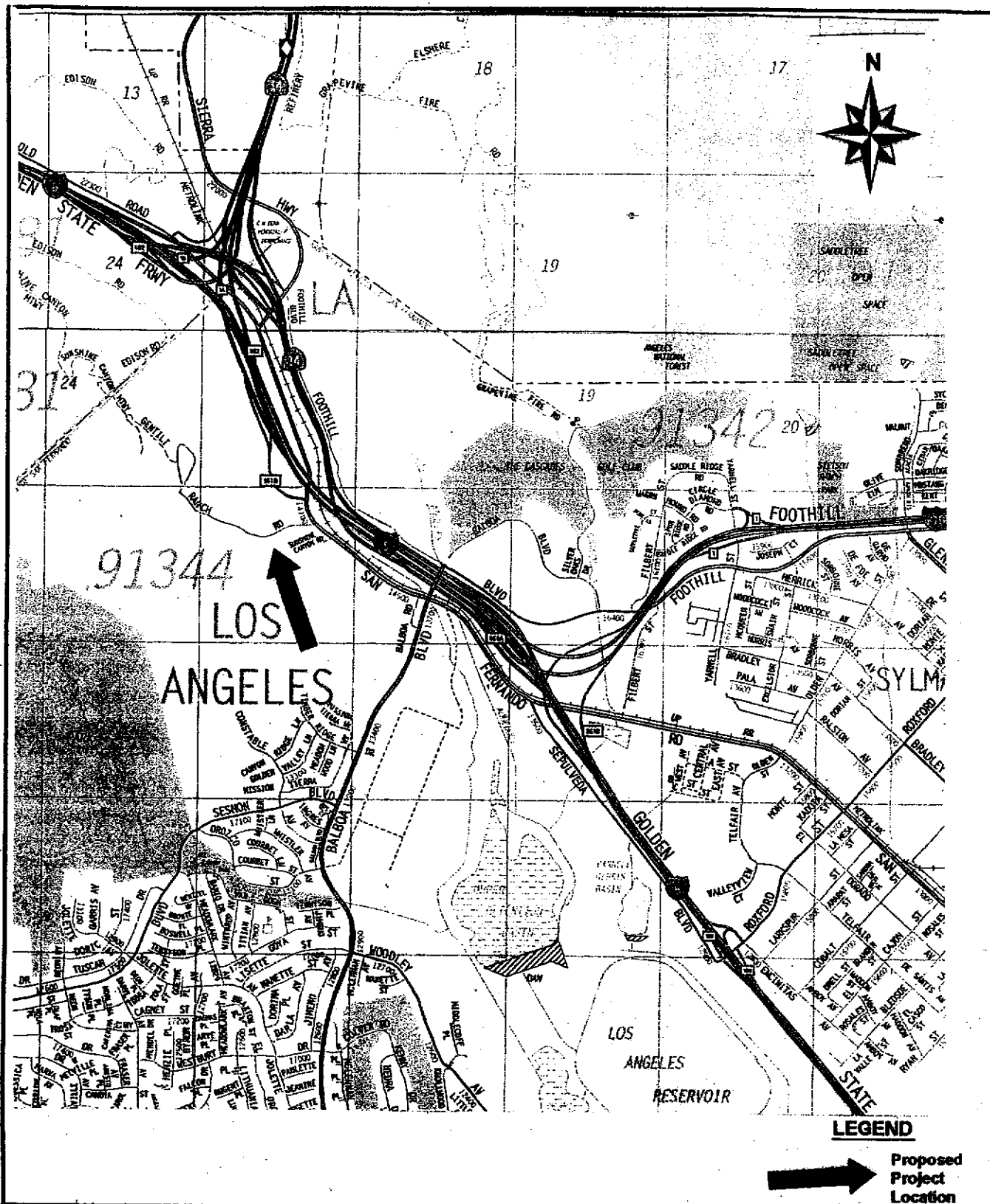


Figure 1
Vicinity Map

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ITS-TRAFFIC ENGINEERING-TRANSPORTATION PLANNING-CIVIL
18662 MACARTHUR BLVD, SUITE 435, AIRPORT BUSINESS CENTER
IRVINE, CA 92612



Sunshine Canyon Landfill Traffic Assessment

*Altshuler, Berzon, Nussbaum,
Rubin & Demain*



Figure 2
Study Intersection Locations

MINAGAR & ASSOCIATES, INC.

ITS-TRAFFIC ENGINEERING-TRANSPORTATION PLANNING-CIVIL
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IRVINE, CA 92612



**Sunshine Canyon Landfill
Traffic Assessment**

*Altshuler, Berzon, Nussbaum,
Rubin & Domain*

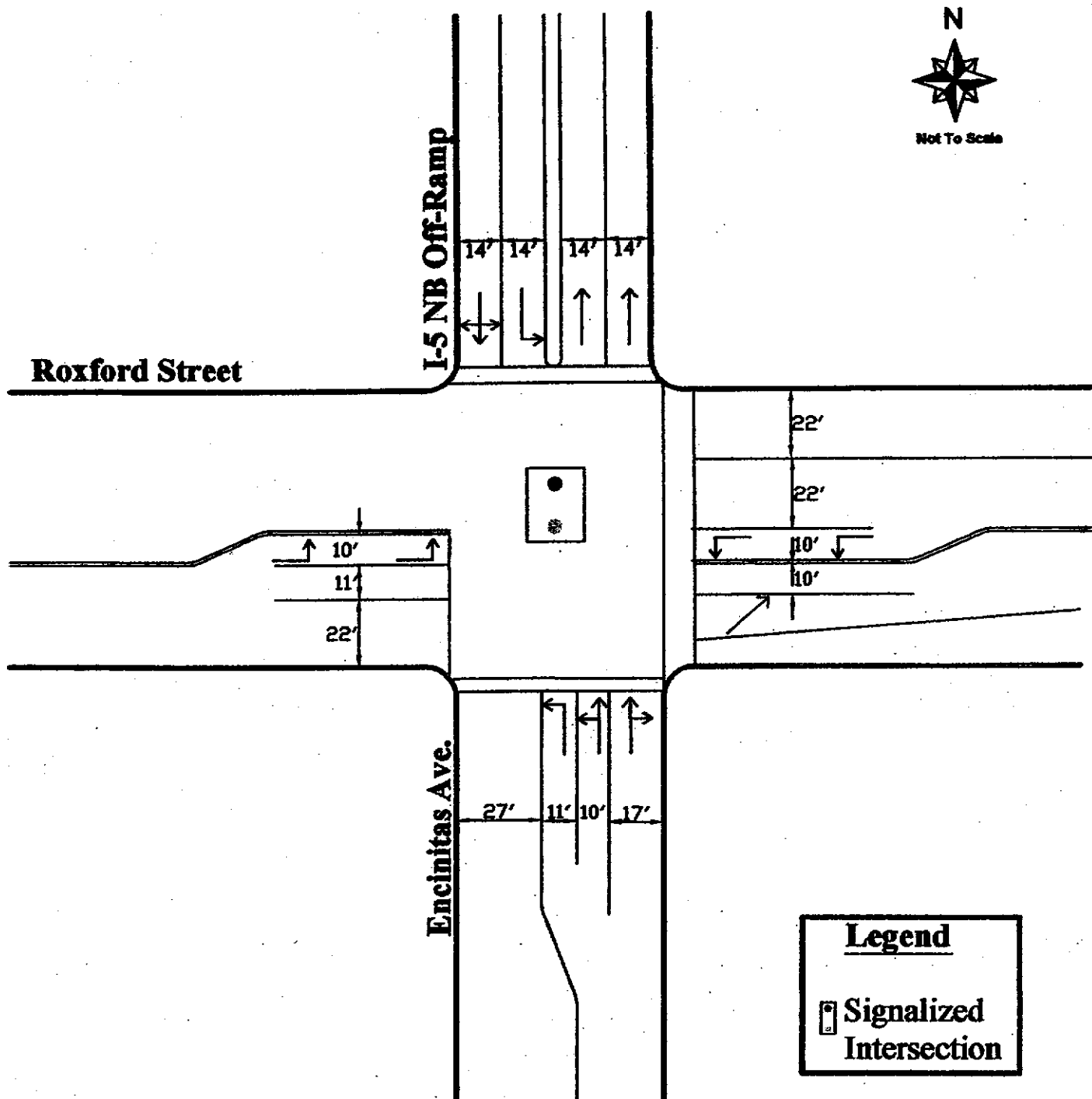


Figure 3
Intersection Geometry for Roxford St. @ I-5 NB Off-Ramp/Encinitas Ave.

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**Sunshine Canyon Landfill
 Traffic Assessment**
 Altshuler Berzon, Nussbaum,
 Rubln & Dornin

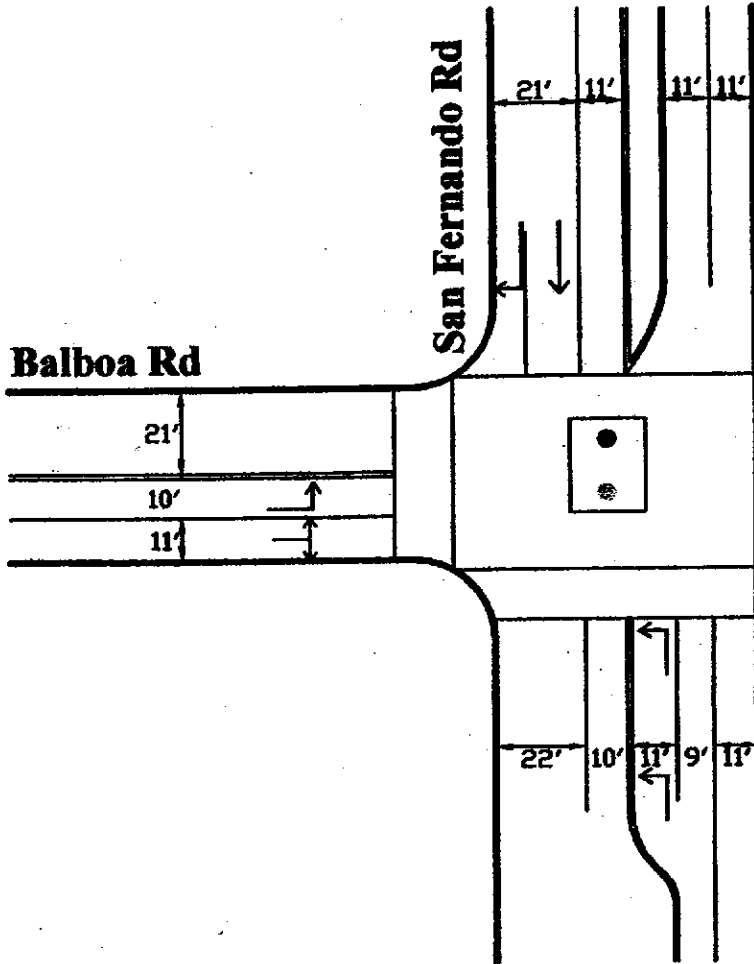


Figure 4
Intersection Geometry for Balboa Rd. @ San Fernando Rd.

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Traffic Assessment**
*Altshuler Berzon, Nussbaum,
Rubin & Dorn*

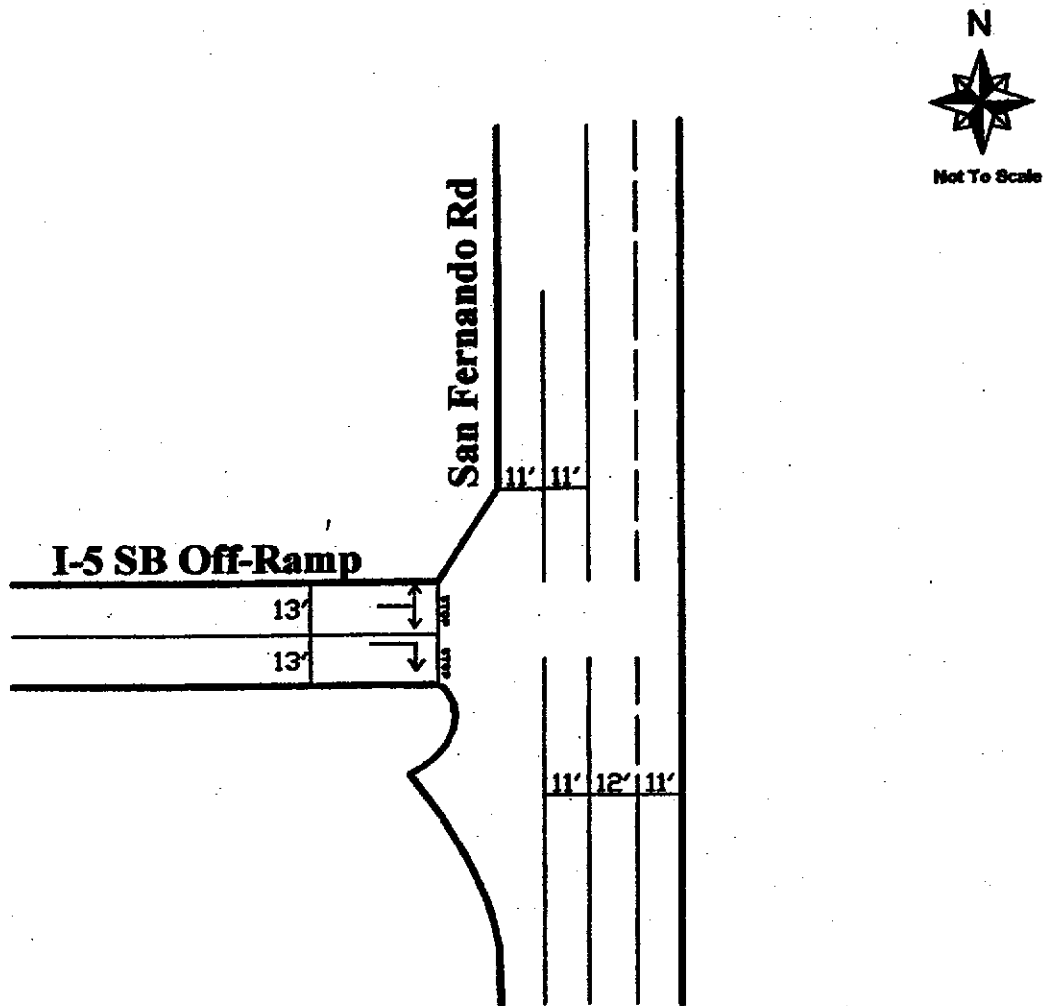


Figure 5
Intersection Geometry for I-5 SB Off-Ramp @ San Fernando Rd.

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Traffic Assessment**

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Rubin & Demain*

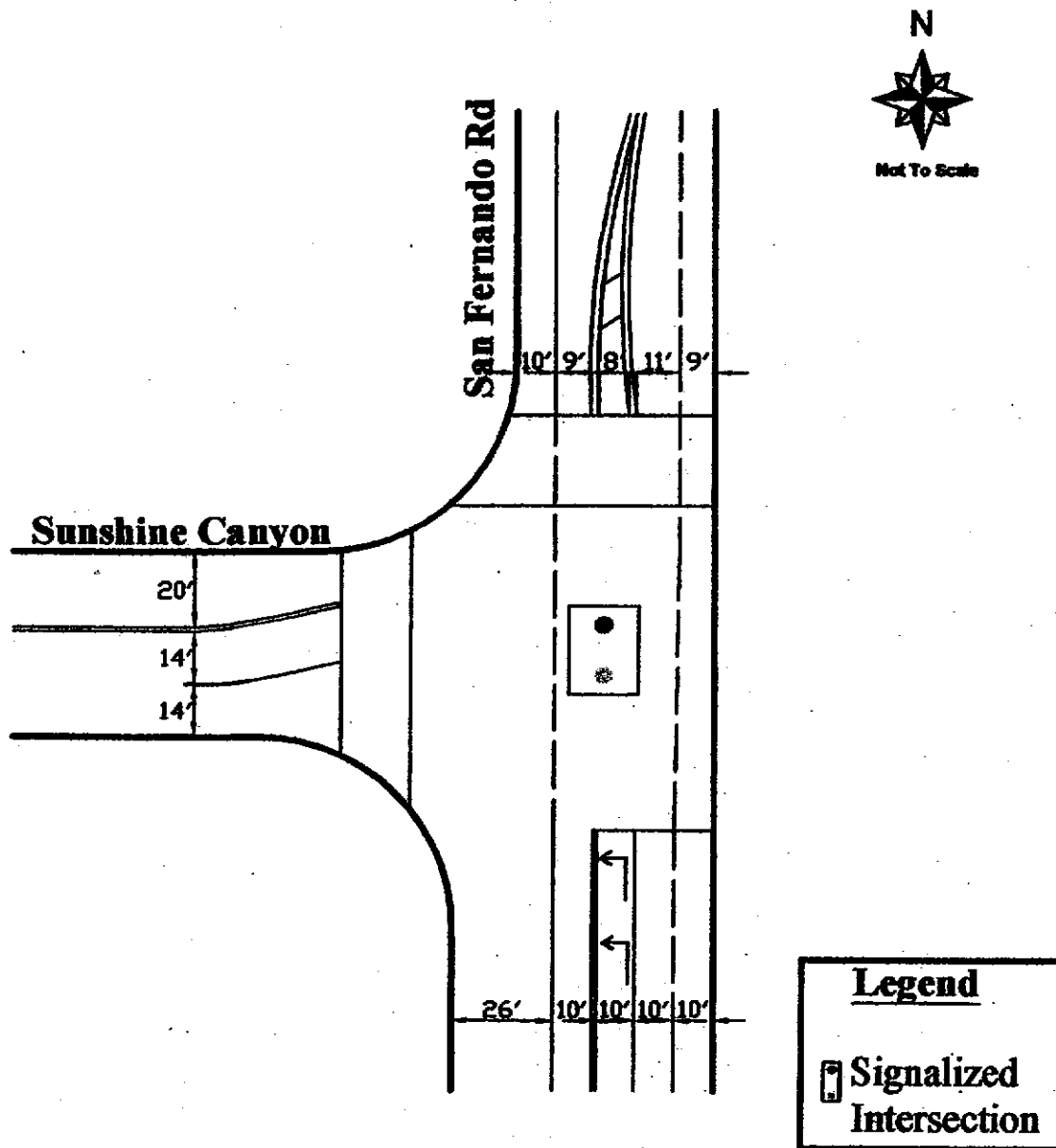


Figure 6
Intersection Geometry for Sunshine Canyon @ San Fernando Rd.

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**Sunshine Canyon Landfill
 Traffic Assessment**

**Altshuler Berzon, Nussbaum,
 Rubln & Demain**

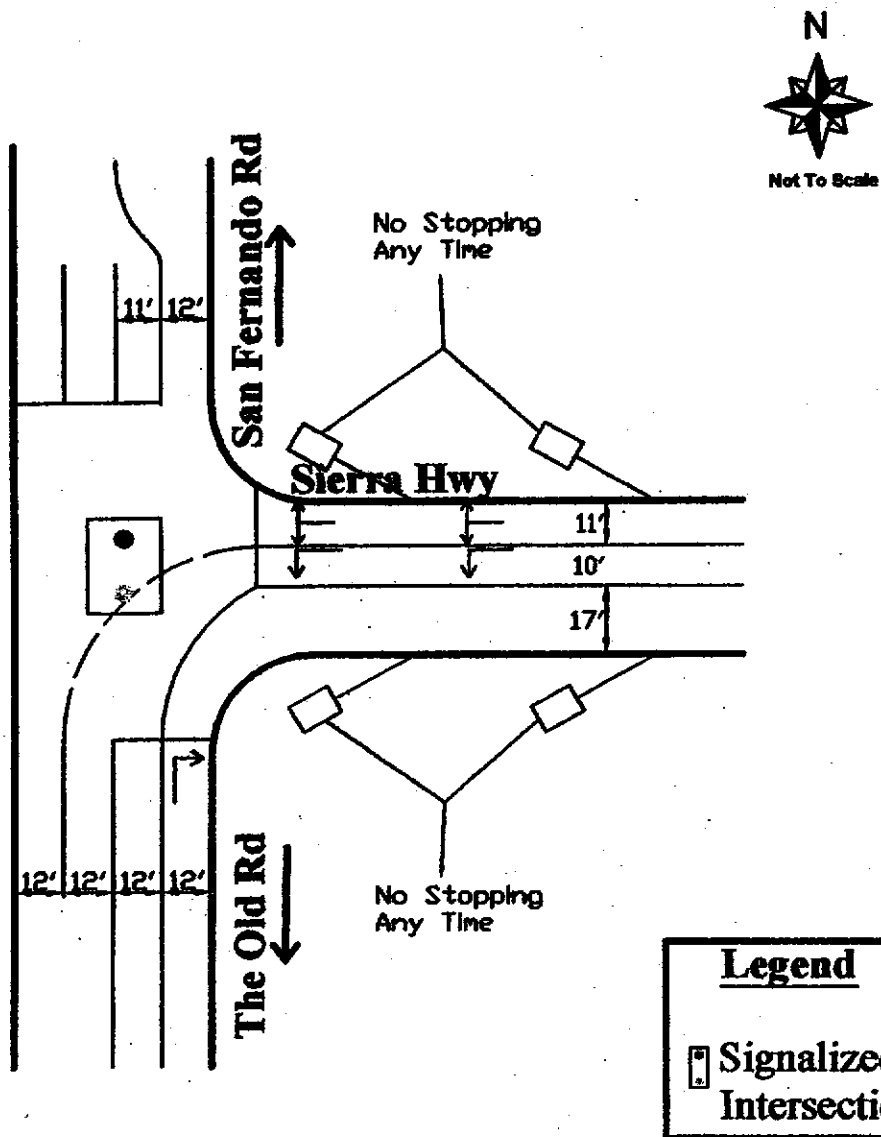


Figure 7
Intersection Geometry for Sierra Hwy. @ San Fernando Rd./The Old Rd.

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Traffic Assessment**

*Altshuler Berzon, Nussbaum,
Rubin & Dorn*

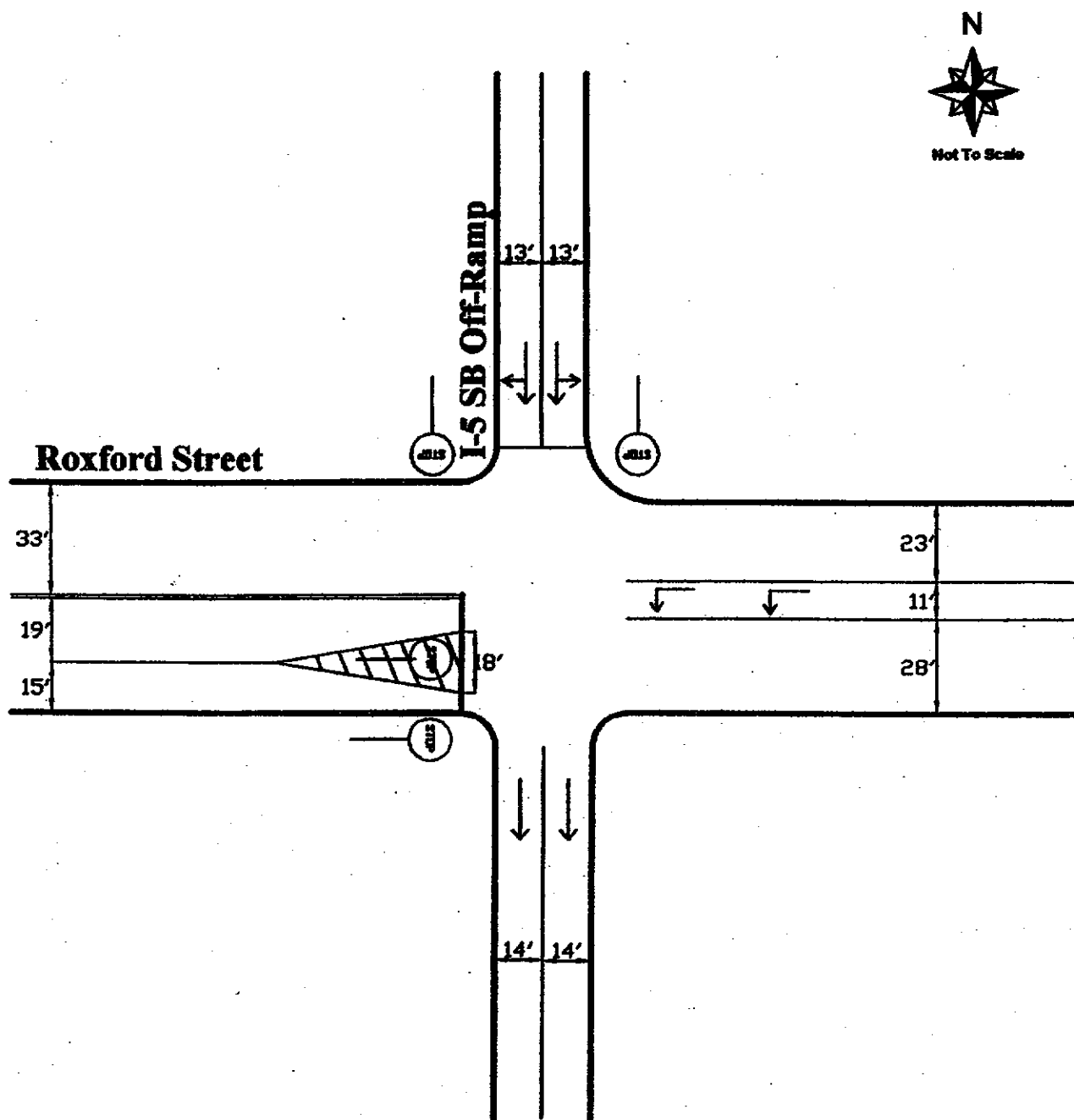


Figure 8
Intersection Geometry for Roxford St. @ I-5 SB Off-Ramp

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Sunshine Canyon Landfill
Traffic Assessment
 Altshuler, Berzon, Nussbaum,
 Rubin & Dorn

<u>Selected Intersection for Comparison</u>	<u>2005 Existing</u>	<u>Revised Proposed 2004 (Only Landfill) Mitigation Measures</u>	<u>2002 Existing</u>	<u>February 1999 (Only Landfill) Mitigation Measures Adopted by the City</u>	<u>November 1993 (Landfill Extension) Mitigation Measures Adopted by the County</u>
1. Roxford St. @ I-5 NB Off/On-Ramp/ Encinitas Ave.					No Proposed Mitigation Measures
2. San Fernando Rd. @ Balboa Rd.					
3. San Fernando Rd. @ I-5 SB off-Ramp		No Proposed Mitigation Measures		No Proposed Mitigation Measures	No Proposed Mitigation Measures



Figure 9
Intersection Geometry Comparison

LEGEND	Signalized Intersection
	Change in geometry

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Sunshine Canyon Landfill Traffic Assessment

Altshuler, Berzon, Nussbaum, Rubin & Demain

<u>Selected Intersection for Comparison</u>	<u>2005 Existing</u>	<u>Revised Proposed 2004 (Only Landfill) Mitigation Measures</u>	<u>2002 Existing</u>	<u>February 1999 (Only Landfill) Mitigation Measures Adopted by the City</u>	<u>November 1993 (Landfill Extension) Mitigation Measures Adopted by the County</u>
4. Sunshine Canyon @ San Fernando Rd.					
5. Sierra Hwy @ San Fernando Rd. / The Old Rd.					No Proposed Mitigation Measures
6. Roxford St. @ I-405 Off-Ramp					No Proposed Mitigation Measures



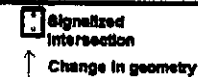
Not To Scale

Figure 9

Intersection Geometry Comparison

▪ Discrepancies regarding signalization status in different documents.

LEGEND



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**Sunshine Canyon Landfill
Traffic Assessment**

Altshuler, Berzon, Nussbaum, Rubin & Demain

westbound approach to include two dedicated left-turn lanes and one right-turn lane has not been implemented to date.

III. Comparison with Existing Conditions (7 items)

a. Level of Service Analyses (3 items)

i. The 2004 LLG's with County/City Landfill Project Traffic Volumes in Passenger Car Equivalents (PCEs) was estimated for 2005 volumes using the growth factor used in the Addendum FEIR/FSEIR. The volumes were then analyzed using Critical Movement Analysis, per the original documents. The following inconsistencies were found when comparing the estimated conditions to existing conditions. The comparison is also shown on Table 1 – 2005 AM/PM Peak Hour LOS & V/C Comparison.

1. San Fernando Rd. & I-5 SB Off-Ramp – The LOS estimated by the data provided in the Addendum reflects a PM peak hour LOS of "B." Current traffic conditions as of May 2005 show that the intersection currently operates at an LOS "F."
2. San Fernando Rd. & Sunshine Canyon – The LOS estimated by the data provided in the Addendum reflects a PM peak hour LOS of "A." Current traffic data reflects an LOS "F" operating condition.
3. San Fernando Rd. & Sierra Hwy. – The LOS estimated by the data provided in the Addendum reflects a PM peak hour LOS of "C." Current traffic data reflects an LOS "F" operating condition.

b. Traffic Volumes (4 items)

i. The 2004 LLG's with County/City Landfill Project Traffic Volumes in Passenger Car Equivalents (PCEs) from the Addendum to FEIR/FSEIR were projected to current 2005 volumes using the 1.1% ambient growth factor specified in the Addendum. The following projected volumes were found to be much lower than existing volumes taken in May 2005 by Minagar & Associates, Inc., which show that the Addendum projections underestimated in their projections. The comparison is also shown on Table 2 – AM/PM Peak Hour Volume Comparison.



Table 1
2005 AM/PM Peak Hour LOS & V/C Comparison
Sunshine Canyon Landfill

Key Intersection	Time Period	2002 LLG's Existing Traffic Condition			2005 LLG's Estimated Traffic Condition			2005 M&A's Existing Traffic Condition		
		Volumes	V/C Ratio	LOS	Volumes	V/C Ratio	LOS	Volumes	V/C Ratio	LOS
1. Roxford St. @ Encinitas/I-5 NB Off-Ramp	AM	2843	0.975	E	3214	1.21	F	2598	0.76	C
	PM	2410	0.704	D	3164	1.01	F	3089	0.76	C
2. San Fernando Rd. @ Balboa Rd.	AM	3328	1.342	F	3623	1.3	F	3657	1.28	F
	PM	2538	1.233	F	2812	1.32	F	4008	2.12	F
3. San Fernando Rd. @ I-5 SB Off-Ramp	AM	2886	0.894	D	3216	0.98	E	3153	0.95	E
	PM	2338	0.739	C	2800	0.87	B	4184	1.05	F
4. San Fernando Rd. @ Sunshine Canyon.	AM	2913	1.072	F	3027	0.93	E	3587	1.14	F
	PM	2358	0.69	B	2465	0.59	A	4047	1.4	F
5. San Fernando Rd. @ Sierra Hwy.	AM	2249	1.514	F	2443	0.81	D	2368	0.73	D
	PM	2133	0.945	E	2264	0.79	C	3124	1.35	F

Assumptions:

1. Maximum Sum of Critical Volumes (Intersection Capacity) : 2 Phases =1500, 3 Phases =1425, 4+Phases =1375, Unsignalized =1200.
2. For Dual Turn Lanes, 55% of Volume is Assigned to Heavier Lane.
3. For One Exclusive and One Optional Turn Lane, 70% of Volume is Assigned to Exclusive lane.
4. Right Turns On Red From Exclusive Lanes = 50% of Overlapping Left Turn.


LEGEND :-

LOS : Level of Service
V/C : Volume Over Capacity Ratio



Table 2
AM/PM Peak Hour Volume Comparison
Sunshine Canyon Landfill

Selected Key Intersections	Time Period	2002 Existing LLG's Traffic Volumes ¹	2004 LLG's Ambient Growth Traffic Volumes	2004 LLG's Cumulative Projects Traffic Volumes ²	2005 LLG's Estimated Traffic Volumes ³	2005 M&A Inc. Existing Traffic Volumes ⁴
1. Roxford St. @ Encinitas / I-5 NB Off-Ramp	AM	2843	2906	3179	3214	2596
	PM	2410	2617	3130	3164	3089
2. San Fernando Rd. @ Balboa Rd.	AM	3326	3399	3584	3623	3657
	PM	2536	2592	2781	2812	4006
3. San Fernando Rd. @ I-5 SB Off-Ramp	AM	2866	2929	3181	3216	3153
	PM	2336	2387	2770	2800	4184
4. San Fernando Rd. @ Sunshine Canyon.	AM	2913	2977	2994	3027	3567
	PM	2358	2410	2438	2465	4047
5. San Fernando Rd. @ Sierra Hwy.	AM	2249	2298	2416	2443	2366
	PM	2133	2180	2239	2264	3124

LEGEND	
	Lower Volumes Compared to Existing 2005 Traffic Volumes

- Existing Intersection Traffic Counts were Conducted in June 2002 by City Traffic Counters. Existing Traffic Volumes Include Traffic Generated by a 6600 Ton Per Day Landfill Facility.
- Projected 2004 Traffic Volumes Estimated Utilizing Existing 2002 Traffic, 1.1% Ambient Growth Factor, and Traffic from Updated List of Related Projects. Existing County Landfill Traffic Volumes excluded from the Traffic Volume Forecasts.
- 2004 Cumulative Project Traffic Volumes Plus 1.1% Ambient Growth Factor.
- Most Current Field counts (May 2005) by Minagar & Associates, Inc.



1. San Fernando Rd. @ Balboa Rd. – In the PM peak hour, the estimated projection would be 2,942 vehicles per hour. This is drastically lower than actual counts, which reflect a PM peak hour volume of 4,006 vehicles (a difference of 1,064 vehicles).
2. San Fernando Rd. @ I-5 SB Off-Ramp – In the PM peak hour, the estimated projection would be 2,835 vehicles per hour. This is drastically lower than actual counts, which reflect a PM peak hour volume of 4,184 vehicles (a difference of 1,349 vehicles).
3. San Fernando Rd. @ Sunshine Canyon (driveway) – In the PM peak hour, the estimated projection would be 2,629 vehicles per hour. This is drastically lower than actual counts, which reflect a PM peak hour volume of 4,047 vehicles (a difference of 1,418 vehicles).
4. San Fernando Rd. @ Sierra Hwy. – In the PM peak hour, the estimated projection would be 2,294 vehicles per hour. This is drastically lower than actual counts which reflect a PM peak hour volume of 3,124 vehicles (a difference of 830 vehicles).

IV. Conclusion

As set forth in detail above, observed traffic volumes at key intersections affected by the Sunshine Canyon Landfill are already significantly worse than the Addendum assumes. This is in large part because the growth rate projections relied on in the Addendum simply do not accurately reflect the traffic growth rate in the Sunshine Canyon area as shown by the existing traffic volumes in May 2005. The County should require further study of the landfill's traffic impacts based on current observed traffic volumes & more accurate projections of traffic growth.

Because existing traffic volumes are significantly higher than expected, the Addendum's conclusions that any impacts of the Sunshine Canyon Landfill have been adequately addressed should be revisited. At a minimum, the County should require further analysis of the proposed mitigation measures' effect on existing traffic, not on traffic projections we now know to be grossly understated. Moreover, the County should also require further analysis of the actual proposed mitigation measures at the intersections of issue because the Addendum frequently misstated



and therefore could not have accurately analyzed the planned traffic mitigation scheme.



APPENDIX A

Turning Movement Counts

Conducted by Minagar & Associates, Inc.

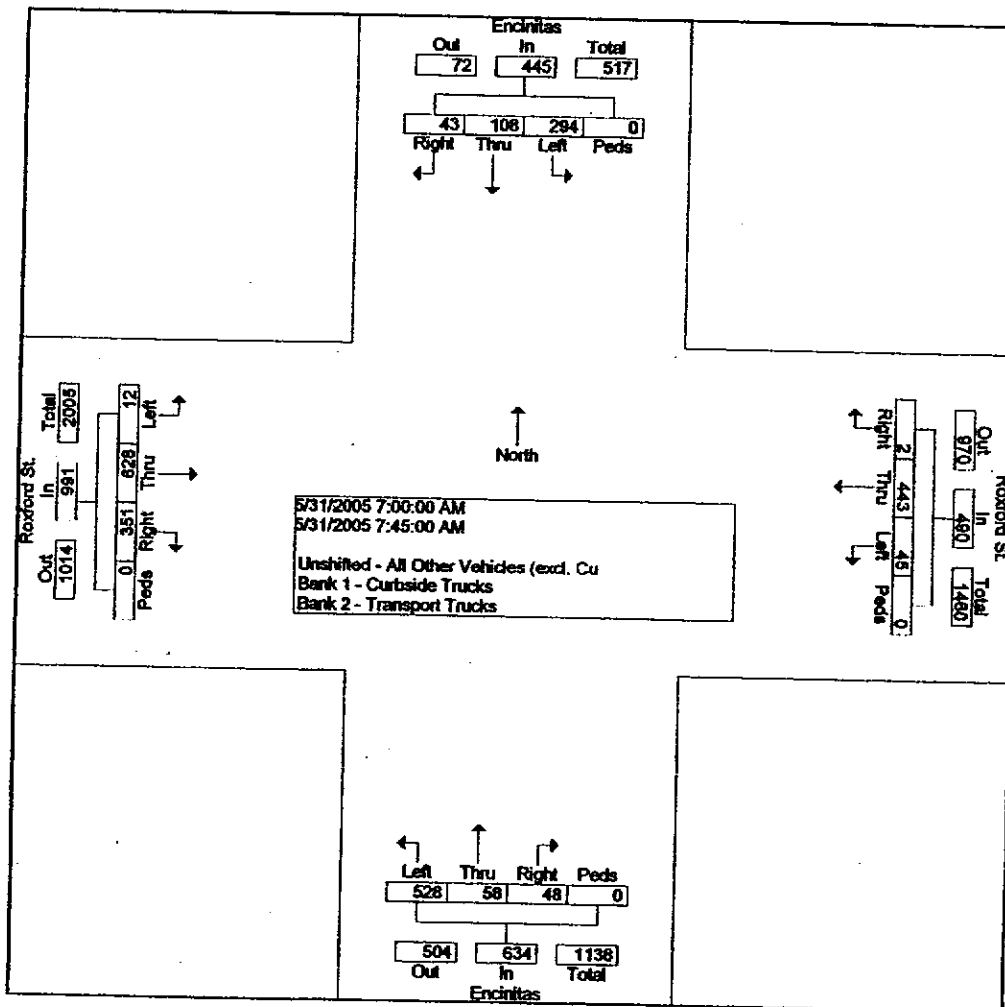


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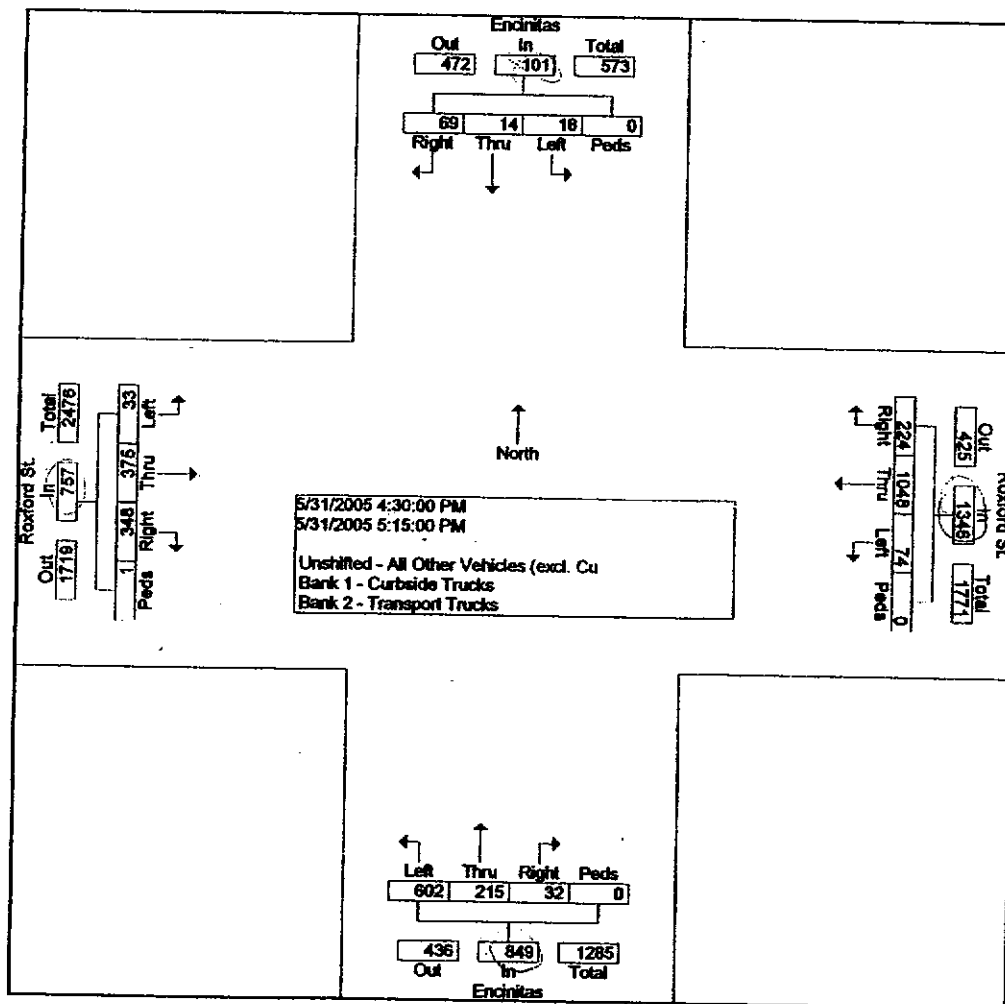
Groups Printed- Unshifted - All Other Vehicles (excl. Cu - Bank 1 - Curbside Trucks - Bank 2 - Transport Trucks

Start Time	Encinitas From North					Roxford St. From East					Encinitas From South					Roxford St. From West					Int. Total
	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	
Factor	1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		
07:00 AM	8	2	42	0	52	2	139	16	0	157	13	16	164	0	193	67	143	6	0	216	618
07:15 AM	13	13	83	0	109	0	155	7	0	162	18	15	149	0	182	87	180	3	0	270	723
07:30 AM	10	59	131	0	200	0	100	13	0	113	8	9	119	0	136	109	162	3	0	274	723
07:45 AM	12	34	38	0	84	0	49	9	0	58	9	18	96	0	123	88	143	0	0	231	496
Total	43	108	294	0	445	2	443	45	0	490	48	58	528	0	634	351	628	12	0	991	2560
08:00 AM	7	14	20	0	41	1	47	4	0	52	5	6	64	0	75	75	74	7	1	157	325
08:15 AM	8	11	7	0	26	2	74	12	0	88	12	8	107	0	127	74	140	3	0	217	458
08:30 AM	5	8	27	0	40	0	63	13	0	76	16	11	87	0	114	106	136	3	0	245	475
08:45 AM	12	3	26	0	41	0	69	11	0	80	20	4	78	0	102	79	154	2	0	235	458
Total	32	36	80	0	148	3	253	40	0	296	53	29	336	0	418	334	504	15	1	854	1716
09:00 AM	16	3	8	0	27	0	72	17	0	89	24	13	92	0	129	83	120	4	0	207	452
09:15 AM	13	2	7	0	22	0	99	13	0	112	47	7	127	0	181	78	117	6	0	201	516
09:30 AM	11	1	4	0	16	0	44	9	0	53	17	14	64	0	95	60	49	6	0	115	279
09:45 AM	10	5	4	0	19	1	87	12	0	100	33	8	78	0	119	92	86	5	0	183	421
Total	50	11	23	0	84	1	302	51	0	354	121	42	361	0	524	313	372	21	0	706	1668
10:00 AM	9	2	9	0	20	2	79	13	0	94	27	9	68	0	104	75	105	2	0	182	400
10:15 AM	7	0	5	0	12	0	65	4	0	69	34	19	112	0	165	57	104	3	0	164	410
10:30 AM	10	3	4	0	17	0	82	9	0	91	34	25	84	0	143	84	90	4	0	178	429
10:45 AM	10	5	3	0	18	2	83	14	0	99	34	21	86	0	141	67	102	5	0	174	432
Total	36	10	21	0	67	4	309	40	0	353	129	74	350	0	553	283	401	14	0	698	1671
11:00 AM	9	3	1	0	13	1	54	6	0	61	19	19	87	0	125	88	112	14	0	214	413
11:15 AM	12	4	5	0	21	0	128	28	0	156	29	14	123	0	166	72	165	6	0	243	586
11:30 AM	4	0	2	0	6	0	14	5	0	19	1	6	22	0	29	7	25	1	0	33	87
11:45 AM	6	2	3	0	11	0	64	13	0	77	16	13	77	0	106	56	100	7	0	163	357
Total	31	9	11	0	51	1	260	52	0	313	65	52	309	0	426	223	402	28	0	653	1443
12:45 PM	2	1	5	0	8	6	26	30	0	62	3	9	33	0	45	30	58	2	0	90	205
Total	2	1	5	0	8	6	26	30	0	62	3	9	33	0	45	30	58	2	0	90	205
01:00 PM	30	8	12	0	50	12	72	20	0	104	5	39	58	0	102	51	128	3	0	182	438
01:15 PM	29	0	12	0	41	22	92	13	0	127	5	35	96	0	136	79	121	3	0	203	507
01:30 PM	16	10	4	0	30	28	143	19	0	190	17	14	77	0	108	97	180	5	0	282	610
01:45 PM	18	4	8	0	30	21	91	20	0	132	3	41	90	0	134	96	141	6	0	243	539
Total	93	22	36	0	151	83	398	72	0	553	30	129	321	0	480	323	570	17	0	910	2094
02:00 PM	20	1	9	0	30	17	117	17	0	151	9	27	75	0	111	57	144	1	0	202	494
02:15 PM	8	2	8	0	18	14	66	10	1	91	8	30	42	0	80	64	162	11	0	237	426
02:30 PM	28	2	8	0	38	45	157	9	0	211	9	47	116	0	172	71	145	3	0	219	640
02:45 PM	19	3	12	1	35	23	129	21	0	173	4	33	53	0	90	88	126	7	0	221	519
Total	75	8	37	1	121	99	469	57	1	626	30	137	286	0	453	280	577	22	0	879	2079
03:00 PM	39	6	11	0	56	40	111	10	0	161	10	39	96	0	145	67	145	6	0	218	580
03:15 PM	18	8	12	0	38	32	163	20	0	215	10	42	96	0	148	62	117	4	0	183	584
03:30 PM	14	6	13	0	33	56	188	23	0	267	19	49	178	0	246	98	126	14	0	238	784
03:45 PM	15	1	7	0	23	25	137	18	0	180	5	50	90	0	145	67	119	10	0	196	544
Total	86	21	43	0	150	153	599	71	0	823	44	180	460	0	684	294	507	34	0	835	2492
04:00 PM	11	3	7	0	21	31	139	26	0	196	12	57	116	0	185	90	127	2	0	219	621
04:15 PM	19	0	3	0	22	30	152	13	0	195	6	29	79	0	114	60	87	3	0	150	481
04:30 PM	21	1	7	0	29	35	249	17	0	301	5	47	152	0	204	105	97	8	0	210	744
04:45 PM	26	2	5	0	33	43	210	16	0	269	12	42	142	0	196	87	84	5	0	176	674
Total	77	6	22	0	105	139	750	72	0	961	35	175	489	0	699	342	395	18	0	755	2520
05:00 PM	13	5	3	0	21	96	369	19	0	484	8	62	149	0	219	72	90	7	0	169	893
05:15 PM	9	6	3	0	18	50	220	22	0	292	7	64	159	0	230	84	104	13	1	202	742
Grand Total	547	243	578	1	1369	637	439	571	1	5607	573	101	378	0	5365	292	460	203	2	7742	20083
Apprch %	40.0	17.8	42.2	0.1		11.4	78.4	10.2	0.0		10.7	18.8	70.5	0.0		37.8	59.5	2.6	0.0		

	Encinitas From North					Roxford St. From East					Encinitas From South					Roxford St. From West					
Start Time	Right t	Thru	Left	Peds	App. Total	Right t	Thru	Left	Peds	App. Total	Right t	Thru	Left	Peds	App. Total	Right t	Thru	Left	Peds	App. Total	Int. Total
Peak Hour From 07:00 AM to 11:45 AM - Peak 1 of 1																					
Intersection	07:00 AM																				
Volume	43	108	294	0	445	2	443	45	0	490	48	58	528	0	634	351	628	12	0	991	2560
Percent	9.7	24.3	66.1	0.0		0.4	90.4	9.2	0.0		7.6	9.1	83.3	0.0		35.4	63.4	1.2	0.0		
07:30	10	59	131	0	200	0	100	13	0	113	8	9	119	0	136	109	162	3	0	274	723
Volume																					
Peak Factor																					0.885
High Int.	07:30 AM					07:15 AM					07:00 AM					07:30 AM					
Volume	10	59	131	0	200	0	155	7	0	162	13	16	164	0	193	109	162	3	0	274	
Peak Factor	0.556					0.756					0.821					0.904					



	Encinitas From North					Roxford St. From East					Encinitas From South					Roxford St. From West					
Start Time	Right t	Thru	Left	Peds	App. Total	Right t	Thru	Left	Peds	App. Total	Right t	Thru	Left	Peds	App. Total	Right t	Thru	Left	Peds	App. Total	Int. Total
Peak Hour From 12:00 PM to 05:15 PM - Peak 1 of 1																					
Intersection 04:30 PM																					
Volume	69	14	18	0	101	224	104	74	0	1346	32	215	602	0	849	348	375	33	1	757	3053
Percent	68.3	13.9	17.8	0.0		16.6	77.9	5.5	0.0		3.8	25.3	70.9	0.0		46.0	49.5	4.4	0.1		
05:00 Volume	13	5	3	0	21	96	369	19	0	484	8	62	149	0	219	72	90	7	0	169	893
Peak Factor																					0.855
High Int.	04:45 PM					05:00 PM					05:15 PM					04:30 PM					
Volume	26	2	5	0	33	96	369	19	0	484	7	64	159	0	230	105	97	8	0	210	
Peak Factor	0.765					0.695					0.923					0.901					



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18662 MacArthur Blvd., Suite 435
Irvine, CA 92612
(949) 727-3399

File Name : Roxford and Encinitas_5N merge
Site Code : 00000006
Start Date : 05/31/2005
Page No : 1

Groups Printed- Unshifted - All Other Vehicles (excl. Cu

Start Time	Encinitas From North					Roxford St. From East					Encinitas From South					Roxford St. From West					Int. Total
	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	
	Factor	Factor	Factor	Factor	Factor	Factor	Factor	Factor	Factor	Factor	Factor	Factor	Factor	Factor	Factor	Factor	Factor	Factor	Factor	Factor	
07:00 AM	3	2	42	0	47	2	139	16	0	157	13	16	164	0	193	67	142	6	0	215	612
07:15 AM	9	13	83	0	105	0	154	7	0	161	18	15	149	0	182	87	180	3	0	270	718
07:30 AM	5	59	131	0	195	0	98	12	0	110	8	9	119	0	136	109	162	3	0	274	715
07:45 AM	8	34	38	0	80	0	49	8	0	57	9	18	96	0	123	88	143	0	0	231	491
Total	25	108	294	0	427	2	440	43	0	485	48	58	528	0	634	351	627	12	0	990	2536
08:00 AM	6	14	20	0	40	1	46	4	0	51	5	6	64	0	75	75	73	5	1	154	320
08:15 AM	1	11	7	0	19	2	72	11	0	85	12	8	107	0	127	74	140	3	0	217	448
08:30 AM	3	8	27	0	38	0	63	13	0	76	15	11	87	0	113	106	134	3	0	243	470
08:45 AM	10	3	26	0	39	0	69	11	0	80	19	4	78	0	101	79	154	2	0	235	455
Total	20	36	80	0	136	3	250	39	0	292	51	29	336	0	416	334	501	13	1	849	1693
09:00 AM	11	3	8	0	22	0	71	17	0	88	24	13	92	0	129	83	118	4	0	205	444
09:15 AM	11	2	7	0	20	0	99	13	0	112	47	7	127	0	181	78	115	6	0	199	512
09:30 AM	9	1	4	0	14	0	42	9	0	51	17	14	64	0	95	60	49	6	0	115	275
09:45 AM	4	5	3	0	12	1	84	12	0	97	33	8	78	0	119	92	86	5	0	183	411
Total	35	11	22	0	68	1	296	51	0	348	121	42	361	0	524	313	368	21	0	702	1642
10:00 AM	6	2	9	0	17	2	77	12	0	91	27	9	68	0	104	74	104	2	0	180	392
10:15 AM	6	0	5	0	11	0	59	4	0	63	34	19	111	0	164	56	102	2	0	160	398
10:30 AM	9	3	4	0	16	0	82	9	0	91	34	25	84	0	143	84	89	4	0	177	427
10:45 AM	7	5	3	0	15	2	81	14	0	97	34	21	85	0	140	67	102	5	0	174	426
Total	28	10	21	0	59	4	299	39	0	342	129	74	348	0	551	281	397	13	0	691	1643
11:00 AM	6	3	1	0	10	1	52	6	0	59	19	19	87	0	125	88	112	14	0	214	408
11:15 AM	10	3	5	0	18	0	127	28	0	155	29	14	123	0	166	72	163	6	0	241	580
11:30 AM	3	0	2	0	5	0	14	5	0	19	1	6	22	0	29	7	24	1	0	32	85
11:45 AM	6	2	3	0	11	0	64	13	0	77	16	13	77	0	106	56	100	7	0	163	357
Total	25	8	11	0	44	1	257	52	0	310	65	52	309	0	426	223	399	28	0	650	1430
12:45 PM	1	1	5	0	7	6	26	30	0	62	3	9	33	0	45	30	58	2	0	90	204
Total	1	1	5	0	7	6	26	30	0	62	3	9	33	0	45	30	58	2	0	90	204
01:00 PM	17	8	12	0	37	12	72	20	0	104	5	39	58	0	102	51	128	2	0	181	424
01:15 PM	18	0	12	0	30	22	92	13	0	127	5	35	96	0	136	79	121	2	0	202	495
01:30 PM	12	10	4	0	26	28	141	19	0	188	17	14	77	0	108	97	180	5	0	282	604
01:45 PM	16	4	8	0	28	21	90	20	0	131	3	41	90	0	134	96	141	5	0	242	535
Total	63	22	36	0	121	83	395	72	0	550	30	129	321	0	480	323	570	14	0	907	2058
02:00 PM	16	1	9	0	26	17	115	17	0	149	9	27	75	0	111	57	144	1	0	202	488
02:15 PM	5	1	8	0	14	14	66	9	1	90	8	30	42	0	80	64	162	11	0	237	421
02:30 PM	24	2	8	0	34	45	157	9	0	211	9	47	116	0	172	71	145	2	0	218	635
02:45 PM	16	3	11	1	31	23	129	21	0	173	4	33	53	0	90	88	126	7	0	221	515
Total	61	7	36	1	105	99	467	56	1	623	30	137	286	0	453	280	577	21	0	878	2059
03:00 PM	37	6	11	0	54	40	111	10	0	161	10	39	96	0	145	67	145	6	0	218	578
03:15 PM	16	8	12	0	36	32	162	20	0	214	10	42	96	0	148	62	117	4	0	183	581
03:30 PM	12	6	13	0	31	56	188	23	0	267	19	49	178	0	246	98	126	14	0	238	782
03:45 PM	15	1	7	0	23	25	137	18	0	180	5	50	90	0	145	67	119	10	0	196	544
Total	80	21	43	0	144	153	598	71	0	822	44	180	460	0	684	294	507	34	0	835	2485
04:00 PM	11	3	7	0	21	31	139	26	0	196	12	57	116	0	185	90	127	2	0	219	621
04:15 PM	17	0	3	0	20	30	152	13	0	195	6	29	79	0	114	60	87	3	0	150	479
04:30 PM	20	1	7	0	28	35	249	17	0	301	5	47	152	0	204	105	97	8	0	210	743
04:45 PM	25	2	4	0	31	43	210	16	0	269	12	42	142	0	196	87	84	5	0	176	672
Total	73	6	21	0	100	139	750	72	0	961	35	175	489	0	699	342	395	18	0	755	2515
05:00 PM	13	5	3	0	21	96	367	19	0	482	8	62	149	0	219	72	90	7	0	169	891
15 PM	9	6	3	0	18	50	220	22	0	292	7	64	159	0	230	84	104	13	1	202	742
Grand Total	433	241	575	1	1250	637	4365	566	1	5569	571	1011	3779	0	5361	2927	4593	196	2	7718	19898
Approach %	34.6	19.3	46.0	0.1		11.4	78.4	10.2	0.0		10.7	18.9	70.5	0.0		37.9	59.5	2.5	0.0		
Total %	2.2	1.2	2.9	0.0	6.3	3.2	21.9	2.8	0.0	28.0	2.9	5.1	19.0	0.0	26.9	14.7	23.1	1.0	0.0	38.8	

MINAGAR & ASSOCIATES, INC.
18662 MacArthur Blvd., Suite 435
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File Name : Roxford and Encinitas_5N merge
Site Code : 00000006
Start Date : 05/31/2005
Page No : 1

Groups Printed- Bank 1 - Curbside Tracks

	Encinitas From North					Roxford St. From East					Encinitas From South					Roxford St. From West						
Start Time	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Int. Total	
Factor	1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0			
07:00 AM	2	0	0	0	2	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1	3
07:15 AM	4	0	0	0	4	0	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0	5
07:30 AM	4	0	0	0	4	0	0	1	0	1	0	0	0	0	0	0	0	0	0	0	0	5
07:45 AM	3	0	0	0	3	0	0	1	0	1	0	0	0	0	0	0	0	0	0	0	0	4
Total	13	0	0	0	13	0	1	2	0	3	0	0	0	0	0	0	1	0	0	0	1	17
08:00 AM	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1
08:15 AM	5	0	0	0	5	0	1	1	0	2	0	0	0	0	0	0	0	0	0	0	0	7
08:30 AM	2	0	0	0	2	0	0	0	0	0	1	0	0	0	1	0	2	0	0	2	5	
08:45 AM	2	0	0	0	2	0	0	0	0	0	1	0	0	0	1	0	0	0	0	0	3	
Total	9	0	0	0	9	0	2	1	0	3	2	0	0	0	2	0	2	0	0	2	16	
09:00 AM	4	0	0	0	4	0	1	0	0	1	0	0	0	0	0	0	1	0	0	1	6	
09:15 AM	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1	2	
09:30 AM	2	0	0	0	2	0	1	0	0	1	0	0	0	0	0	0	0	0	0	0	3	
09:45 AM	4	0	1	0	5	0	1	0	0	1	0	0	0	0	0	0	0	0	0	0	6	
Total	11	0	1	0	12	0	3	0	0	3	0	0	0	0	0	0	2	0	0	2	17	
10:00 AM	1	0	0	0	1	0	0	1	0	1	0	0	0	0	0	0	1	0	0	1	3	
10:15 AM	1	0	0	0	1	0	6	0	0	6	0	0	1	0	1	1	2	0	0	3	11	
10:45 AM	1	0	0	0	1	0	2	0	0	2	0	0	1	0	1	0	0	0	0	0	4	
Total	3	0	0	0	3	0	8	1	0	9	0	0	2	0	2	1	3	0	0	4	18	
11:00 AM	2	0	0	0	2	0	2	0	0	2	0	0	0	0	0	0	0	0	0	0	4	
11:15 AM	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	0	0	0	0	0	1	
11:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1	1	
Total	2	0	0	0	2	0	3	0	0	3	0	0	0	0	0	0	1	0	0	1	6	
12:45 PM	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
Total	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
01:00 PM	7	0	0	0	7	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	7	
01:15 PM	8	0	0	0	8	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	8	
01:30 PM	3	0	0	0	3	0	2	0	0	2	0	0	0	0	0	0	0	0	0	0	5	
01:45 PM	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
Total	19	0	0	0	19	0	2	0	0	2	0	0	0	0	0	0	0	0	0	0	21	
02:00 PM	1	0	0	0	1	0	2	0	0	2	0	0	0	0	0	0	0	0	0	0	3	
02:15 PM	1	1	0	0	2	0	0	1	0	1	0	0	0	0	0	0	0	0	0	0	3	
02:30 PM	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
Total	3	1	0	0	4	0	2	1	0	3	0	0	0	0	0	0	0	0	0	0	7	
03:15 PM	1	0	0	0	1	0	1	0	0	1	0	0	0	0	0	0	0	0	0	0	2	
03:30 PM	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
Total	2	0	0	0	2	0	1	0	0	1	0	0	0	0	0	0	0	0	0	0	3	
04:15 PM	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
Total	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
05:00 PM	0	0	0	0	0	0	2	0	0	2	0	0	0	0	0	0	0	0	0	0	2	
Grand Total	64	1	1	0	66	0	24	5	0	29	2	0	2	0	4	1	9	0	0	10	109	
Approch %	97.0	1.5	1.5	0.0		0.0	82.8	17.2	0.0		50.0	0.0	50.0	0.0		10.0	90.0	0.0	0.0			
Total %	58.7	0.9	0.9	0.0	60.6	0.0	22.0	4.6	0.0	26.6	1.8	0.0	1.8	0.0	3.7	0.9	8.3	0.0	0.0	9.2		

MINAGAR & ASSOCIATES, INC.

18662 MacArthur Blvd., Suite 435

Irvine, CA 92612

(949) 727-3399

File Name : Roxford and Encinitas_5N merge

Site Code : 00000006

Start Date : 05/31/2005

Page No : 1

Groups Printed- Bank 2 - Transport Trucks

Start Time	Encinitas From North					Roxford St. From East					Encinitas From South					Roxford St. From West					Int. Total
	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	
Factor	1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		
07:00 AM	3	0	0	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3
07:30 AM	1	0	0	0	1	0	2	0	0	2	0	0	0	0	0	0	0	0	0	0	3
07:45 AM	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Total	5	0	0	0	5	0	2	0	0	2	0	0	0	0	0	0	0	0	0	0	7
08:00 AM	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1	2	0	3	4
08:15 AM	2	0	0	0	2	0	1	0	0	1	0	0	0	0	0	0	0	0	0	0	3
Total	3	0	0	0	3	0	1	0	0	1	0	0	0	0	0	0	1	2	0	3	7
09:00 AM	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1	2
09:15 AM	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1	2
09:30 AM	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	0	0	0	0	0	2
09:45 AM	2	0	0	0	2	0	2	0	0	2	0	0	0	0	0	0	0	0	0	0	4
Total	4	0	0	0	4	0	3	0	0	3	0	0	0	0	0	0	2	0	0	2	9
10:00 AM	2	0	0	0	2	0	2	0	0	2	0	0	0	0	0	1	0	0	0	1	5
10:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	1
10:30 AM	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1	2
10:45 AM	2	0	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2
Total	5	0	0	0	5	0	2	0	0	2	0	0	0	0	0	1	1	1	0	3	10
11:00 AM	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
11:15 AM	2	1	0	0	3	0	0	0	0	0	0	0	0	0	0	0	2	0	0	2	5
11:30 AM	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Total	4	1	0	0	5	0	0	0	0	0	0	0	0	0	0	0	2	0	0	2	7
01:00 PM	6	0	0	0	6	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	7
01:15 PM	3	0	0	0	3	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	4
01:30 PM	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
01:45 PM	1	0	0	0	1	0	1	0	0	1	0	0	0	0	0	0	0	1	0	1	3
Total	11	0	0	0	11	0	1	0	0	1	0	0	0	0	0	0	0	3	0	3	15
02:00 PM	3	0	0	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3
02:15 PM	2	0	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2
02:30 PM	3	0	0	0	3	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	4
02:45 PM	3	0	1	0	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4
Total	11	0	1	0	12	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	13
03:00 PM	2	0	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2
03:15 PM	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
03:30 PM	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Total	4	0	0	0	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4
04:15 PM	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
04:30 PM	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
04:45 PM	1	0	1	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2
Total	3	0	1	0	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4
Grand Total	50	1	2	0	53	0	9	0	0	9	0	0	0	0	0	1	6	7	0	14	76
prch %	94.3	1.9	3.8	0.0		0.0	100.0	0.0	0.0		0.0	0.0	0.0	0.0		7.1	42.9	50.0	0.0		
Total %	65.8	1.3	2.6	0.0	69.7	0.0	11.8	0.0	0.0	11.8	0.0	0.0	0.0	0.0	0.0	1.3	7.9	9.2	0.0	18.4	

MINAGAR & ASSOCIATES, INC.
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File Name : San Fernando and Balboa
Site Code : 00000004
Start Date : 05/25/2005
Page No : 1

Groups Printed- Unshifted - All Other Vehicles (excl. Cu - Bank 1 - Curbside Trucks - Bank 2 - Transport Trucks)

Start Time	San Fernando Rd. From North					Balboa From East					San Fernando Rd. From South					Balboa From West					Int. Total
	Right t	Thru	Left	Peds	App. Total	Right t	Thru	Left	Peds	App. Total	Right t	Thru	Left	Peds	App. Total	Right t	Thru	Left	Peds	App. Total	
Factor	1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		
07:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	1
07:15 AM	351	315	0	0	666	0	0	0	0	0	0	38	34	0	72	67	4	62	0	133	871
07:30 AM	385	285	0	0	670	0	0	0	0	0	0	29	66	0	95	92	1	63	0	156	921
07:45 AM	305	311	0	0	616	0	0	0	0	0	0	31	38	0	69	127	1	113	0	241	926
Total	104 1	911	0	0	1952	0	0	0	0	0	0	98	138	0	236	286	6	239	0	531	2719
08:00 AM	315	264	0	0	579	0	0	0	0	0	0	28	22	0	50	73	0	87	1	161	790
08:15 AM	331	182	0	0	513	0	0	0	0	0	0	27	14	0	41	42	0	86	0	128	682
08:30 AM	223	175	0	1	399	0	0	0	0	0	0	32	3	0	35	25	0	71	0	96	530
08:45 AM	234	114	0	0	348	0	0	0	0	0	0	38	19	0	57	23	3	64	0	90	495
Total	110 3	735	0	1	1839	0	0	0	0	0	0	125	58	0	183	163	3	308	1	475	2497
09:00 AM	218	78	0	0	296	0	0	0	0	0	0	40	7	0	47	17	0	66	0	83	426
09:15 AM	209	68	0	0	277	0	0	0	0	0	0	57	8	0	65	15	0	68	0	83	425
09:30 AM	135	78	0	0	213	0	0	0	0	0	0	55	12	0	67	15	0	52	1	68	348
09:45 AM	63	32	0	0	95	0	0	0	0	0	0	22	4	0	26	7	1	19	0	27	148
Total	625	256	0	0	881	0	0	0	0	0	0	174	31	0	205	54	1	205	1	261	1347
10:00 AM	98	54	0	0	152	0	0	0	0	0	0	24	7	0	31	7	0	42	0	49	232
10:15 AM	118	58	0	0	176	0	0	0	0	0	1	38	7	0	46	9	0	63	0	72	294
10:30 AM	121	61	0	0	182	0	0	0	0	0	0	38	9	0	47	4	0	64	0	68	297
10:45 AM	99	44	0	1	144	0	0	0	0	0	0	44	1	0	45	11	0	56	0	67	256
Total	436	217	0	1	654	0	0	0	0	0	1	144	24	0	169	31	0	225	0	256	1079
11:00 AM	96	50	0	0	146	0	0	0	0	0	0	42	20	0	62	15	0	43	0	58	266
11:15 AM	96	71	0	0	167	0	0	0	0	0	0	47	20	0	67	8	0	54	0	62	296
11:30 AM	117	39	0	0	156	0	0	0	0	0	0	61	14	0	75	9	0	56	0	65	296
11:45 AM	103	41	0	0	144	0	0	0	0	0	0	34	18	0	52	11	0	51	0	62	258
Total	412	201	0	0	613	0	0	0	0	0	0	184	72	0	256	43	0	204	0	247	1116
12:30 PM	97	58	0	0	155	0	0	0	0	0	0	56	11	0	67	16	0	62	0	78	300
12:45 PM	108	70	0	0	178	0	0	0	0	0	0	53	14	0	67	22	0	72	0	94	339
Total	205	128	0	0	333	0	0	0	0	0	0	109	25	0	134	38	0	134	0	172	639
01:00 PM	93	51	0	0	144	0	0	0	0	0	0	67	16	0	83	6	0	62	0	68	295
01:15 PM	109	69	0	0	178	0	0	0	0	0	0	56	11	0	67	12	0	59	0	71	316
01:30 PM	95	38	0	0	133	0	0	0	0	0	0	74	11	0	85	9	0	84	0	93	311
01:45 PM	115	47	0	0	162	0	0	0	0	0	0	46	8	0	54	8	0	78	0	86	302
Total	412	205	0	0	617	0	0	0	0	0	0	243	46	0	289	35	0	283	0	318	1224
02:00 PM	93	62	0	0	155	0	0	0	0	0	0	47	12	0	59	21	0	70	0	91	305
02:15 PM	128	127	0	0	255	0	0	0	0	0	0	46	9	0	55	11	0	70	0	81	391
02:30 PM	153	98	0	0	251	0	0	0	0	0	0	95	32	0	127	19	0	106	2	127	505
02:45 PM	202	90	0	0	292	0	0	0	0	0	0	58	20	0	78	23	0	160	0	183	553
Total	576	377	0	0	953	0	0	0	0	0	0	246	73	0	319	74	0	406	2	482	1754
03:00 PM	137	67	0	0	204	0	0	0	0	0	0	135	32	0	167	12	1	179	0	192	563
03:15 PM	164	78	0	0	242	0	0	0	0	0	0	112	37	0	149	61	1	264	0	326	717
03:30 PM	135	91	0	0	226	0	0	0	0	0	0	138	30	0	168	33	0	280	0	313	707
03:45 PM	24	31	0	0	55	0	0	0	0	0	0	28	11	0	39	7	0	51	0	58	152
Total	460	267	0	0	727	0	0	0	0	0	0	413	110	0	523	113	2	774	0	889	2139
04:00 PM	104	56	0	0	160	0	2	0	0	2	0	70	10	0	80	9	4	172	0	185	427
04:15 PM	206	89	0	0	295	0	0	0	0	0	0	140	36	0	176	16	0	380	0	396	867
04:30 PM	217	84	0	0	301	0	0	0	0	0	0	207	32	0	239	13	1	429	0	443	983
04:45 PM	223	113	0	0	336	0	0	0	0	0	0	216	23	0	239	7	0	437	0	444	1019
Total	750	342	0	0	1092	0	2	0	0	2	0	633	101	0	734	45	5	141 8	0	1468	3296

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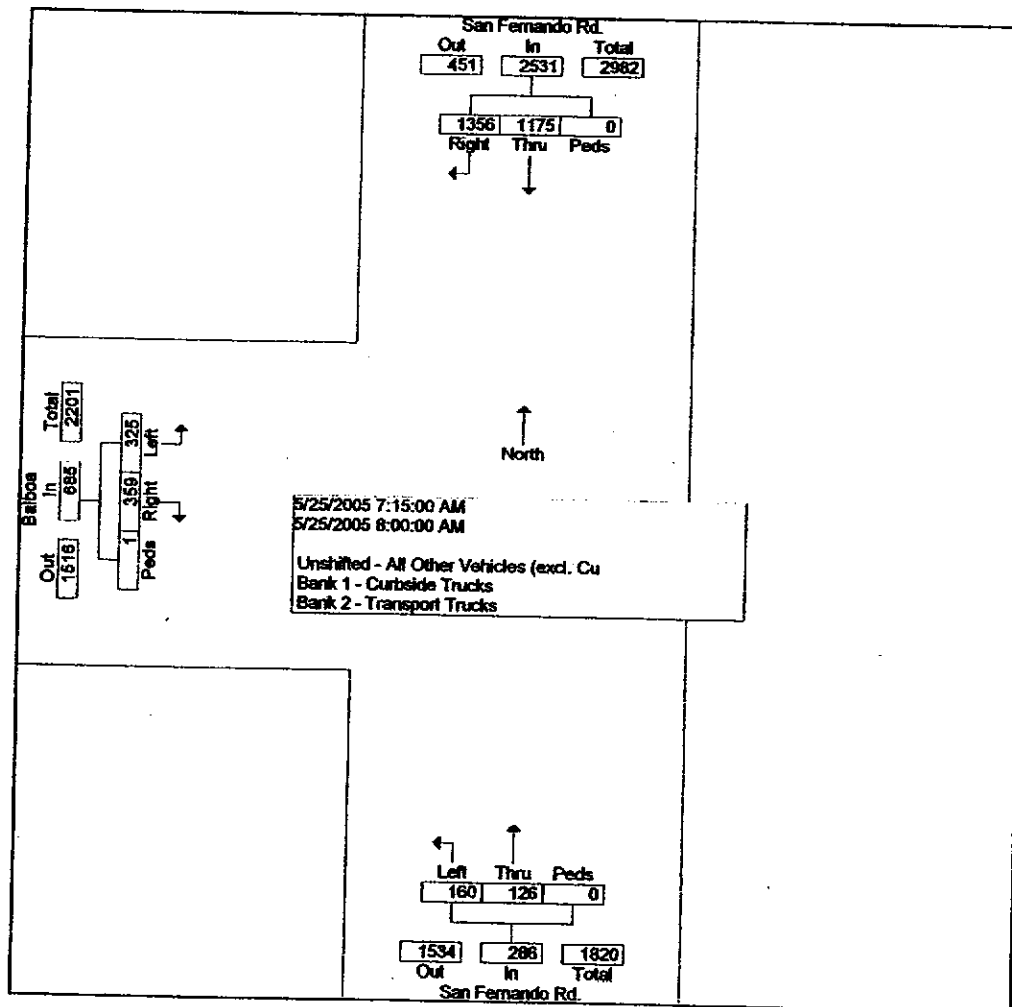
Groups Printed- Unshifted - All Other Vehicles (excl. Cu - Bank 1 - Curbside Trucks - Bank 2 - Transport Trucks

Start Time	San Fernando Rd. From North					Balboa From East					San Fernando Rd. From South					Balboa From West					Int. Total
	Righ t	Thru	Left	Peds	App. Total	Righ t	Thru	Left	Peds	App. Total	Righ t	Thru	Left	Peds	App. Total	Righ t	Thru	Left	Peds	App. Total	
Factor	1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		
05:00 PM	177	80	1	0	258	0	0	0	0	0	0	238	20	0	258	13	0	405	0	418	934
05:15 PM	199	67	0	0	266	0	0	0	0	0	0	203	40	0	243	9	0	399	0	408	917
Grand Total	639	378	1	2	10185	0	2	0	0	2	1	281	738	0	3549	904	17	500	4	5925	19661
	6	6										0						0			
Apprch %	62.8	37.2	0.0	0.0		0.0	100.	0.0	0.0		0.0	79.2	20.8	0.0		15.3	0.3	84.4	0.1		
Total %	32.5	19.3	0.0	0.0	51.8	0.0	0.0	0.0	0.0	0.0	0.0	14.3	3.8	0.0	18.1	4.6	0.1	25.4	0.0	30.1	

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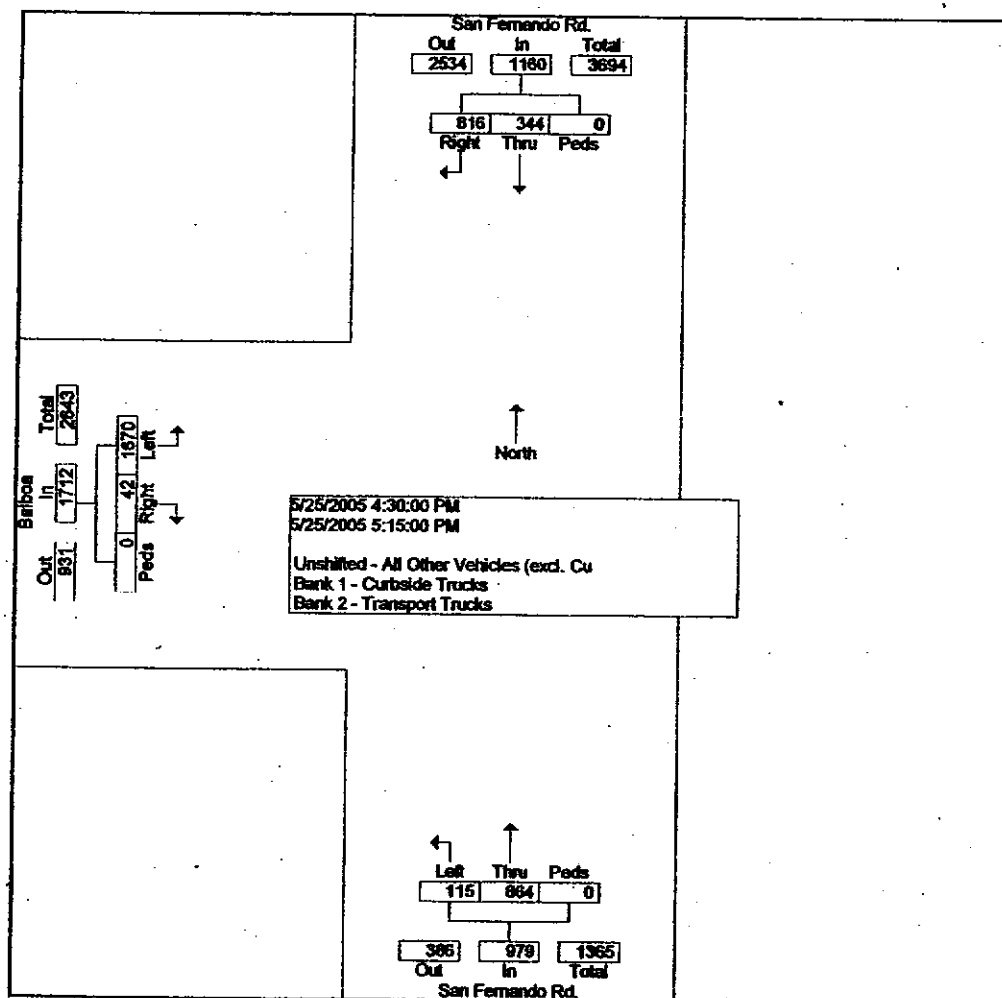
	San Fernando Rd. From North					Balboa From East					San Fernando Rd. From South					Balboa From West									
Start Time	Right t	Thru	Left	Peds	App. Total	Right t	Thru	Left	Peds	App. Total	Right t	Thru	Left	Peds	App. Total	Right t	Thru	Left	Peds	App. Total	Int. Total				
Peak Hour From 07:00 AM to 11:45 AM - Peak 1 of 1																									
Intersection	07:15 AM																								
Volume	135	117			2531	0	0	0	0	0	0	126	160	0	286	359	6	325	1	691	3508				
Percent	53.6	46.4	0.0	0.0		0.0	0.0	0.0	0.0		0.0	44.1	55.9	0.0		52.0	0.9	47.0	0.1						
07:45	305	311	0	0	616	0	0	0	0	0	0	31	38	0	69	127	1	113	0	241	926				
Peak Factor																									
High Int.	07:30 AM					6:45:00 AM					07:30 AM					07:45 AM					0.947				
Volume	385	285	0	0	670	0	0	0	0	0	0	29	66	0	95	127	1	113	0	241					
Peak Factor	0.944															0.753					0.717				



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	San Fernando Rd. From North					Balboa From East					San Fernando Rd. From South					Balboa From West					
Start Time	Right t	Thru	Left	Peds	App. Total	Right t	Thru	Left	Peds	App. Total	Right t	Thru	Left	Peds	App. Total	Right t	Thru	Left	Peds	App. Total	Int. Total
Peak Hour From 12:00 PM to 05:15 PM - Peak 1 of 1																					
Intersection 04:30 PM																					
Volume	816	344	1	0	1161	0	0	0	0	0	0	864	115	0	979	42	1	167 0	0	1713	3853
Percent	70.3	29.6	0.1	0.0		0.0	0.0	0.0	0.0		0.0	88.3	11.7	0.0		2.5	0.1	97.5	0.0		
04:45																					
Volume	223	113	0	0	336	0	0	0	0	0	0	216	23	0	239	7	0	437	0	444	1019
Peak Factor																					0.945
High Int. 04:45 PM																					
Volume	223	113	0	0	336	0	0	0	0	0	05:00 PM					04:45 PM					
Peak Factor					0.864						0	238	20	0	258	7	0	437	0	444	
															0.949					0.965	



Groups Printed- Unshifted - All Other Vehicles (excl. Cu

Start Time	San Fernando Rd. From North					Balboa From East					San Fernando Rd. From South					Balboa From West					Int. Total
	Right t	Thru	Left	Peds	App. Total	Right t	Thru	Left	Peds	App. Total	Right t	Thru	Left	Peds	App. Total	Right t	Thru	Left	Peds	App. Total	
Factor	1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		
07:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	1
07:15 AM	351	285	0	0	636	0	0	0	0	0	0	27	34	0	61	67	4	62	0	133	830
07:30 AM	381	267	0	0	648	0	0	0	0	0	0	25	66	0	91	90	1	62	0	153	892
07:45 AM	300	298	0	0	598	0	0	0	0	0	0	27	38	0	65	126	1	112	0	239	902
Total	103 2	850	0	0	1882	0	0	0	0	0	0	79	138	0	217	283	6	237	0	526	2625
08:00 AM	315	259	0	0	574	0	0	0	0	0	0	15	21	0	36	73	0	86	1	160	770
08:15 AM	329	177	0	0	506	0	0	0	0	0	0	21	14	0	35	42	0	85	0	127	668
08:30 AM	222	161	0	1	384	0	0	0	0	0	0	20	3	0	23	25	0	71	0	96	503
08:45 AM	233	104	0	0	337	0	0	0	0	0	0	20	19	0	39	23	3	64	0	90	466
Total	109 9	701	0	1	1801	0	0	0	0	0	0	76	57	0	133	163	3	306	1	473	2407
09:00 AM	217	64	0	0	281	0	0	0	0	0	0	23	7	0	30	17	0	65	0	82	393
09:15 AM	209	58	0	0	267	0	0	0	0	0	0	39	8	0	47	15	0	67	0	82	396
09:30 AM	135	55	0	0	190	0	0	0	0	0	0	35	12	0	47	15	0	50	1	66	303
09:45 AM	61	23	0	0	84	0	0	0	0	0	0	16	4	0	20	7	1	19	0	27	131
Total	622	200	0	0	822	0	0	0	0	0	0	113	31	0	144	54	1	201	1	257	1223
10:00 AM	96	30	0	0	126	0	0	0	0	0	0	15	7	0	22	6	0	42	0	48	196
10:15 AM	117	38	0	0	155	0	0	0	0	0	1	20	5	0	26	9	0	63	0	72	253
10:30 AM	121	44	0	0	165	0	0	0	0	0	0	29	9	0	38	4	0	63	0	67	270
10:45 AM	98	26	0	1	125	0	0	0	0	0	0	20	0	0	20	11	0	56	0	67	212
Total	432	138	0	1	571	0	0	0	0	0	1	84	21	0	106	30	0	224	0	254	931
11:00 AM	96	38	0	0	134	0	0	0	0	0	0	23	20	0	43	15	0	43	0	58	235
11:15 AM	96	54	0	0	150	0	0	0	0	0	0	32	20	0	52	8	0	54	0	62	264
11:30 AM	117	30	0	0	147	0	0	0	0	0	0	48	14	0	62	9	0	55	0	64	273
11:45 AM	103	41	0	0	144	0	0	0	0	0	0	34	18	0	52	11	0	51	0	62	258
Total	412	163	0	0	575	0	0	0	0	0	0	137	72	0	209	43	0	203	0	246	1030
12:30 PM	97	47	0	0	144	0	0	0	0	0	0	37	11	0	48	16	0	62	0	78	270
12:45 PM	108	56	0	0	164	0	0	0	0	0	0	40	14	0	54	22	0	69	0	91	309
Total	205	103	0	0	308	0	0	0	0	0	0	77	25	0	102	38	0	131	0	169	579
01:00 PM	92	40	0	0	132	0	0	0	0	0	0	41	16	0	57	6	0	62	0	68	257
01:15 PM	109	57	0	0	166	0	0	0	0	0	0	44	11	0	55	12	0	59	0	71	292
01:30 PM	95	24	0	0	119	0	0	0	0	0	0	53	11	0	64	9	0	84	0	93	276
01:45 PM	114	29	0	0	143	0	0	0	0	0	0	39	8	0	47	8	0	78	0	86	276
Total	410	150	0	0	560	0	0	0	0	0	0	177	46	0	223	35	0	283	0	318	1101
02:00 PM	92	40	0	0	132	0	0	0	0	0	0	38	12	0	50	21	0	70	0	91	273
02:15 PM	124	99	0	0	223	0	0	0	0	0	0	39	9	0	48	11	0	70	0	81	352
02:30 PM	153	78	0	0	231	0	0	0	0	0	0	81	31	0	112	19	0	106	2	127	470
02:45 PM	201	70	0	0	271	0	0	0	0	0	0	52	20	0	72	23	0	159	0	182	525
Total	570	287	0	0	857	0	0	0	0	0	0	210	72	0	282	74	0	405	2	481	1620
03:00 PM	137	58	0	0	195	0	0	0	0	0	0	125	32	0	157	12	1	179	0	192	544
03:15 PM	163	67	0	0	230	0	0	0	0	0	0	105	37	0	142	61	1	264	0	326	698
03:30 PM	132	72	0	0	204	0	0	0	0	0	0	132	30	0	162	33	0	280	0	313	679
03:45 PM	24	21	0	0	45	0	0	0	0	0	0	26	11	0	37	7	0	51	0	58	140
Total	456	218	0	0	674	0	0	0	0	0	0	388	110	0	498	113	2	774	0	889	2061
04:00 PM	103	48	0	0	151	0	2	0	0	2	0	68	10	0	78	9	4	172	0	185	416
04:15 PM	204	78	0	0	282	0	0	0	0	0	0	138	36	0	174	16	0	380	0	396	852
04:30 PM	217	77	0	0	294	0	0	0	0	0	0	202	32	0	234	13	1	429	0	443	971
04:45 PM	223	109	0	0	332	0	0	0	0	0	0	215	23	0	238	7	0	437	0	444	1014
Total	747	312	0	0	1059	0	2	0	0	2	0	623	101	0	724	45	5	141 8	0	1468	3253

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Start Time	San Fernando Rd. From North					Balboa From East					San Fernando Rd. From South					Balboa From West					Int. Total
	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	
Factor	1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		
05:00 PM	177	76	1	0	254	0	0	0	0	0	0	237	20	0	257	13	0	405	0	418	929
05:15 PM	199	55	0	0	254	0	0	0	0	0	0	201	40	0	241	9	0	399	0	408	903
Grand Total	636	325	1	2	9617	0	2	0	0	2	1	240	733	0	3136	900	17	498	4	5907	18662
	1	3										2						6			
Approch %	66.1	33.8	0.0	0.0		0.0	100.0	0.0	0.0		0.0	76.6	23.4	0.0		15.2	0.3	84.4	0.1		
Total %	34.1	17.4	0.0	0.0	51.5	0.0	0.0	0.0	0.0	0.0	0.0	12.9	3.9	0.0	16.8	4.8	0.1	26.7	0.0	31.7	

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Groups Printed- Bank 1 - Curbside Trucks

Start Time	San Fernando Rd. From North					Balboa From East					San Fernando Rd. From South					Balboa From West					Int. Total
	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	
Factor	1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		
07:15 AM	0	16	0	0	16	0	0	0	0	0	0	6	0	0	6	0	0	0	0	0	22
07:30 AM	4	5	0	0	9	0	0	0	0	0	0	0	0	0	0	2	0	1	0	3	12
07:45 AM	4	6	0	0	10	0	0	0	0	0	0	4	0	0	4	0	0	1	0	1	15
Total	8	27	0	0	35	0	0	0	0	0	0	10	0	0	10	2	0	2	0	4	49
08:00 AM	0	1	0	0	1	0	0	0	0	0	0	5	1	0	6	0	0	1	0	1	8
08:15 AM	0	2	0	0	2	0	0	0	0	0	0	4	0	0	4	0	0	1	0	1	7
08:30 AM	1	7	0	0	8	0	0	0	0	0	0	10	0	0	10	0	0	0	0	0	18
08:45 AM	0	5	0	0	5	0	0	0	0	0	0	7	0	0	7	0	0	0	0	0	12
Total	1	15	0	0	16	0	0	0	0	0	0	26	1	0	27	0	0	2	0	2	45
09:00 AM	1	12	0	0	13	0	0	0	0	0	0	10	0	0	10	0	0	1	0	1	24
09:15 AM	0	6	0	0	6	0	0	0	0	0	0	11	0	0	11	0	0	1	0	1	18
09:30 AM	0	12	0	0	12	0	0	0	0	0	0	15	0	0	15	0	0	1	0	1	28
09:45 AM	2	4	0	0	6	0	0	0	0	0	0	5	0	0	5	0	0	0	0	0	11
Total	3	34	0	0	37	0	0	0	0	0	0	41	0	0	41	0	0	3	0	3	81
10:00 AM	1	17	0	0	18	0	0	0	0	0	0	6	0	0	6	1	0	0	0	1	25
10:15 AM	1	9	0	0	10	0	0	0	0	0	0	13	2	0	15	0	0	0	0	0	25
10:30 AM	0	9	0	0	9	0	0	0	0	0	0	3	0	0	3	0	0	0	0	0	12
10:45 AM	1	13	0	0	14	0	0	0	0	0	0	10	1	0	11	0	0	0	0	0	25
Total	3	48	0	0	51	0	0	0	0	0	0	32	3	0	35	1	0	0	0	1	87
11:00 AM	0	6	0	0	6	0	0	0	0	0	0	10	0	0	10	0	0	0	0	0	16
11:15 AM	0	6	0	0	6	0	0	0	0	0	0	9	0	0	9	0	0	0	0	0	15
11:30 AM	0	4	0	0	4	0	0	0	0	0	0	3	0	0	3	0	0	1	0	1	8
Total	0	16	0	0	16	0	0	0	0	0	0	22	0	0	22	0	0	1	0	1	39
12:30 PM	0	5	0	0	5	0	0	0	0	0	0	8	0	0	8	0	0	0	0	0	13
12:45 PM	0	9	0	0	9	0	0	0	0	0	0	8	0	0	8	0	0	3	0	3	20
Total	0	14	0	0	14	0	0	0	0	0	0	16	0	0	16	0	0	3	0	3	33
01:00 PM	1	5	0	0	6	0	0	0	0	0	0	15	0	0	15	0	0	0	0	0	21
01:15 PM	0	5	0	0	5	0	0	0	0	0	0	4	0	0	4	0	0	0	0	0	9
01:30 PM	0	11	0	0	11	0	0	0	0	0	0	15	0	0	15	0	0	0	0	0	26
01:45 PM	1	7	0	0	8	0	0	0	0	0	0	5	0	0	5	0	0	0	0	0	15
Total	2	28	0	0	30	0	0	0	0	0	0	39	0	0	39	0	0	0	0	0	69
02:00 PM	0	8	0	0	8	0	0	0	0	0	0	4	0	0	4	0	0	0	0	0	12
02:15 PM	4	20	0	0	24	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	25
02:30 PM	0	13	0	0	13	0	0	0	0	0	0	3	1	0	4	0	0	0	0	0	17
02:45 PM	1	4	0	0	5	0	0	0	0	0	0	1	0	0	1	0	0	1	0	1	7
Total	5	45	0	0	50	0	0	0	0	0	0	9	1	0	10	0	0	1	0	1	61
03:00 PM	0	1	0	0	1	0	0	0	0	0	0	2	0	0	2	0	0	0	0	0	3
03:15 PM	1	2	0	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3
03:30 PM	0	1	0	0	1	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	2
03:45 PM	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	1
Total	1	4	0	0	5	0	0	0	0	0	0	4	0	0	4	0	0	0	0	0	9
04:00 PM	0	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
04:30 PM	0	2	0	0	2	0	0	0	0	0	0	2	0	0	2	0	0	0	0	0	4
04:45 PM	0	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Total	0	4	0	0	4	0	0	0	0	0	0	2	0	0	2	0	0	0	0	0	6
05:00 PM	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	1
05:15 PM	0	3	0	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3
Grand Total	23	238	0	0	261	0	0	0	0	0	0	202	5	0	207	3	0	12	0	15	483
Approach %	8.8	91.2	0.0	0.0		0.0	0.0	0.0	0.0	0.0	0.0	97.6	2.4	0.0		20.0	0.0	80.0	0.0		
Total %	4.8	49.3	0.0	0.0	54.0	0.0	0.0	0.0	0.0	0.0	0.0	41.8	1.0	0.0	42.9	0.6	0.0	2.5	0.0	3.1	

Groups Printed- Bank 2 - Transport Trucks

Start Time	San Fernando Rd. From North					Balboa From East					San Fernando Rd. From South					Balboa From West					Int. Total
	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	
Factor	1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		
07:15 AM	0	14	0	0	14	0	0	0	0	0	0	5	0	0	5	0	0	0	0	0	19
07:30 AM	0	13	0	0	13	0	0	0	0	0	0	4	0	0	4	0	0	0	0	0	17
07:45 AM	1	7	0	0	8	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1	9
Total	1	34	0	0	35	0	0	0	0	0	0	9	0	0	9	1	0	0	0	1	45
08:00 AM	0	4	0	0	4	0	0	0	0	0	0	8	0	0	8	0	0	0	0	0	12
08:15 AM	2	3	0	0	5	0	0	0	0	0	0	2	0	0	2	0	0	0	0	0	7
08:30 AM	0	7	0	0	7	0	0	0	0	0	0	2	0	0	2	0	0	0	0	0	9
08:45 AM	1	5	0	0	6	0	0	0	0	0	0	11	0	0	11	0	0	0	0	0	17
Total	3	19	0	0	22	0	0	0	0	0	0	23	0	0	23	0	0	0	0	0	45
09:00 AM	0	2	0	0	2	0	0	0	0	0	0	7	0	0	7	0	0	0	0	0	9
09:15 AM	0	4	0	0	4	0	0	0	0	0	0	7	0	0	7	0	0	0	0	0	11
09:30 AM	0	11	0	0	11	0	0	0	0	0	0	5	0	0	5	0	0	1	0	1	17
09:45 AM	0	5	0	0	5	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	6
Total	0	22	0	0	22	0	0	0	0	0	0	20	0	0	20	0	0	1	0	1	43
10:00 AM	1	7	0	0	8	0	0	0	0	0	0	3	0	0	3	0	0	0	0	0	11
10:15 AM	0	11	0	0	11	0	0	0	0	0	0	5	0	0	5	0	0	0	0	0	16
10:30 AM	0	8	0	0	8	0	0	0	0	0	0	6	0	0	6	0	0	1	0	1	15
10:45 AM	0	5	0	0	5	0	0	0	0	0	0	14	0	0	14	0	0	0	0	0	19
Total	1	31	0	0	32	0	0	0	0	0	0	28	0	0	28	0	0	1	0	1	61
11:00 AM	0	6	0	0	6	0	0	0	0	0	0	9	0	0	9	0	0	0	0	0	15
11:15 AM	0	11	0	0	11	0	0	0	0	0	0	6	0	0	6	0	0	0	0	0	17
11:30 AM	0	5	0	0	5	0	0	0	0	0	0	10	0	0	10	0	0	0	0	0	15
Total	0	22	0	0	22	0	0	0	0	0	0	25	0	0	25	0	0	0	0	0	47
12:30 PM	0	6	0	0	6	0	0	0	0	0	0	11	0	0	11	0	0	0	0	0	17
12:45 PM	0	5	0	0	5	0	0	0	0	0	0	5	0	0	5	0	0	0	0	0	10
Total	0	11	0	0	11	0	0	0	0	0	0	16	0	0	16	0	0	0	0	0	27
01:00 PM	0	6	0	0	6	0	0	0	0	0	0	11	0	0	11	0	0	0	0	0	17
01:15 PM	0	7	0	0	7	0	0	0	0	0	0	8	0	0	8	0	0	0	0	0	15
01:30 PM	0	3	0	0	3	0	0	0	0	0	0	6	0	0	6	0	0	0	0	0	9
01:45 PM	0	11	0	0	11	0	0	0	0	0	0	2	0	0	2	0	0	0	0	0	13
Total	0	27	0	0	27	0	0	0	0	0	0	27	0	0	27	0	0	0	0	0	54
02:00 PM	1	14	0	0	15	0	0	0	0	0	0	5	0	0	5	0	0	0	0	0	20
02:15 PM	0	8	0	0	8	0	0	0	0	0	0	6	0	0	6	0	0	0	0	0	14
02:30 PM	0	7	0	0	7	0	0	0	0	0	0	11	0	0	11	0	0	0	0	0	18
02:45 PM	0	16	0	0	16	0	0	0	0	0	0	5	0	0	5	0	0	0	0	0	21
Total	1	45	0	0	46	0	0	0	0	0	0	27	0	0	27	0	0	0	0	0	73
03:00 PM	0	8	0	0	8	0	0	0	0	0	0	8	0	0	8	0	0	0	0	0	16
03:15 PM	0	9	0	0	9	0	0	0	0	0	0	7	0	0	7	0	0	0	0	0	16
03:30 PM	3	18	0	0	21	0	0	0	0	0	0	5	0	0	5	0	0	0	0	0	26
03:45 PM	0	10	0	0	10	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	11
Total	3	45	0	0	48	0	0	0	0	0	0	21	0	0	21	0	0	0	0	0	69
04:00 PM	1	7	0	0	8	0	0	0	0	0	0	2	0	0	2	0	0	0	0	0	10
04:15 PM	2	11	0	0	13	0	0	0	0	0	0	2	0	0	2	0	0	0	0	0	15
04:30 PM	0	5	0	0	5	0	0	0	0	0	0	3	0	0	3	0	0	0	0	0	8
04:45 PM	0	3	0	0	3	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	4
Total	3	26	0	0	29	0	0	0	0	0	0	8	0	0	8	0	0	0	0	0	37
05:00 PM	0	4	0	0	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4
05:15 PM	0	9	0	0	9	0	0	0	0	0	0	2	0	0	2	0	0	0	0	0	11
Grand Total	12	295	0	0	307	0	0	0	0	0	0	206	0	0	206	1	0	2	0	3	516
Approch %	3.9	96.1	0.0	0.0		0.0	0.0	0.0	0.0		0.0	100.0	0.0	0.0		33.3	0.0	66.7	0.0		

MINAGAR & ASSOCIATES, INC.

18662 MacArthur Blvd., Suite 435

Irvine, CA 92612

(949) 727-3399

File Name : San Fernando and 5S of

Site Code : 00000006

Start Date : 05/26/2005

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Groups Printed- Unshifted - All Other Vehicles (excl. Cu - Bank 1 - Curbside Trucks - Bank 2 - Transport Trucks

		San Fernando Rd. From North					Southbound I-5 off-ramp From East					San Fernando Rd. From South					Southbound I-5 off-ramp From West					Int. Total
Start Time	Factor	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	
07:00 AM	0	407	0	0	0	407	0	0	0	0	0	0	85	0	0	85	97	0	1	0	98	590
07:15 AM	0	556	0	0	0	556	0	0	0	0	0	0	97	0	0	97	148	4	1	0	153	806
07:30 AM	0	513	0	0	0	513	0	0	0	0	0	0	99	2	0	101	77	0	0	0	77	691
07:45 AM	0	556	0	0	0	556	0	0	0	0	0	0	122	0	0	122	165	0	2	0	167	845
Total	0	2032	0	0	0	2032	0	0	0	0	0	0	403	2	0	405	487	4	4	0	495	2932
08:00 AM	0	552	0	0	0	552	0	0	0	0	0	0	91	0	0	91	118	0	2	0	120	763
08:15 AM	0	420	0	0	0	420	0	0	0	0	0	0	69	0	0	69	91	0	0	0	91	580
08:30 AM	0	59	0	0	0	59	0	0	0	0	0	0	11	0	0	11	8	0	0	0	8	78
08:45 AM	0	204	0	0	0	204	0	0	0	0	0	0	95	0	0	95	82	0	0	0	82	381
Total	0	1235	0	0	0	1235	0	0	0	0	0	0	266	0	0	266	299	0	2	0	301	1802
09:00 AM	0	182	0	0	0	182	0	0	0	0	0	0	92	3	0	95	131	0	0	0	131	408
09:15 AM	0	102	0	0	0	102	0	0	0	0	0	0	114	0	0	114	121	0	0	0	121	337
09:30 AM	0	101	0	0	0	101	0	0	0	0	0	0	94	0	0	94	111	0	1	0	112	307
09:45 AM	0	95	0	0	0	95	0	0	0	0	0	0	105	0	0	105	84	0	1	0	85	285
Total	0	480	0	0	0	480	0	0	0	0	0	0	405	3	0	408	447	0	2	0	449	1337
10:00 AM	0	80	0	0	0	80	0	0	0	0	0	0	95	0	0	95	102	0	1	0	103	278
10:15 AM	0	85	0	0	0	85	0	0	0	0	0	0	96	0	0	96	87	0	0	0	87	268
10:30 AM	0	66	0	0	0	66	0	0	0	0	0	1	96	0	0	97	69	0	2	0	71	234
10:45 AM	0	117	0	0	0	117	0	0	0	0	0	0	106	0	0	106	80	0	2	0	82	305
Total	0	348	0	0	0	348	0	0	0	0	0	1	393	0	0	394	338	0	5	0	343	1085
11:00 AM	0	112	0	0	0	112	0	0	0	0	0	0	142	0	0	142	89	0	6	0	95	349
Total	0	112	0	0	0	112	0	0	0	0	0	0	142	0	0	142	89	0	6	0	95	349
12:30 PM	0	113	0	0	0	113	0	0	0	0	0	0	135	0	0	135	92	0	1	0	93	341
12:45 PM	0	96	0	0	0	96	0	0	0	0	0	0	139	0	0	139	108	0	1	0	109	344
Total	0	209	0	0	0	209	0	0	0	0	0	0	274	0	0	274	200	0	2	0	202	685
01:00 PM	0	124	0	0	0	124	0	0	0	0	0	0	173	0	0	173	101	0	0	0	101	398
01:15 PM	0	117	0	0	0	117	0	0	0	0	0	0	156	0	0	156	101	0	0	0	101	374
01:30 PM	0	105	0	0	0	105	0	0	0	0	0	0	117	0	0	117	91	1	1	0	93	315
01:45 PM	0	121	1	0	0	122	2	0	0	1	3	0	153	0	0	153	89	1	2	0	92	370
Total	0	467	1	0	0	468	2	0	0	1	3	0	599	0	0	599	382	2	3	0	387	1457
02:00 PM	0	166	0	0	0	166	0	0	0	0	0	0	201	1	0	202	92	0	2	0	94	462
02:15 PM	0	190	0	0	0	190	0	0	0	0	0	0	277	0	0	277	116	1	0	0	117	584
02:30 PM	0	139	0	0	0	139	0	0	0	0	0	0	299	0	0	299	98	0	0	0	98	536
02:45 PM	0	124	0	0	0	124	0	0	0	0	0	0	346	0	0	346	109	0	1	0	110	580
Total	0	619	0	0	0	619	0	0	0	0	0	0	1123	1	0	1124	415	1	3	0	419	2162
03:00 PM	0	148	0	0	0	148	0	0	0	0	0	0	389	0	0	389	108	0	2	0	110	647
03:15 PM	0	192	0	0	0	192	0	0	0	0	0	0	493	0	0	493	98	0	1	0	99	784
03:30 PM	0	215	0	0	0	215	0	0	0	0	0	0	560	0	0	560	149	0	0	0	149	924
03:45 PM	0	205	0	0	0	205	0	0	0	0	0	0	662	0	0	662	143	0	3	0	146	1013
Total	0	760	0	0	0	760	0	0	0	0	0	0	2104	0	0	2104	498	0	6	0	504	3368
04:00 PM	0	144	0	0	0	144	0	0	0	0	0	0	577	0	0	577	82	0	0	0	82	803
04:15 PM	0	160	0	0	0	160	0	0	0	0	0	0	731	0	0	731	165	0	1	0	166	1057
04:30 PM	0	230	0	0	0	230	0	0	0	0	0	0	724	0	0	724	96	0	0	0	96	1050
04:45 PM	0	172	0	0	0	172	0	0	0	0	0	0	900	0	0	900	153	0	0	0	153	1225
Total	0	706	0	0	0	706	0	0	0	0	0	0	2932	0	0	2932	496	0	1	0	497	4135
Grand Total	0	6968	1	0	0	6969	2	0	0	1	3	1	8641	6	0	8648	3651	7	34	0	3692	19312
pprch %	0.0	100.0	0.0	0.0	0.0		66.7	0.0	0.0	33.3		0.0	99.9	0.1	0.0		98.9	0.2	0.9	0.0		
Total %	0.0	36.1	0.0	0.0	0.0	36.1	0.0	0.0	0.0	0.0	0.0	0.0	44.7	0.0	0.0	44.8	18.9	0.0	0.2	0.0	19.1	

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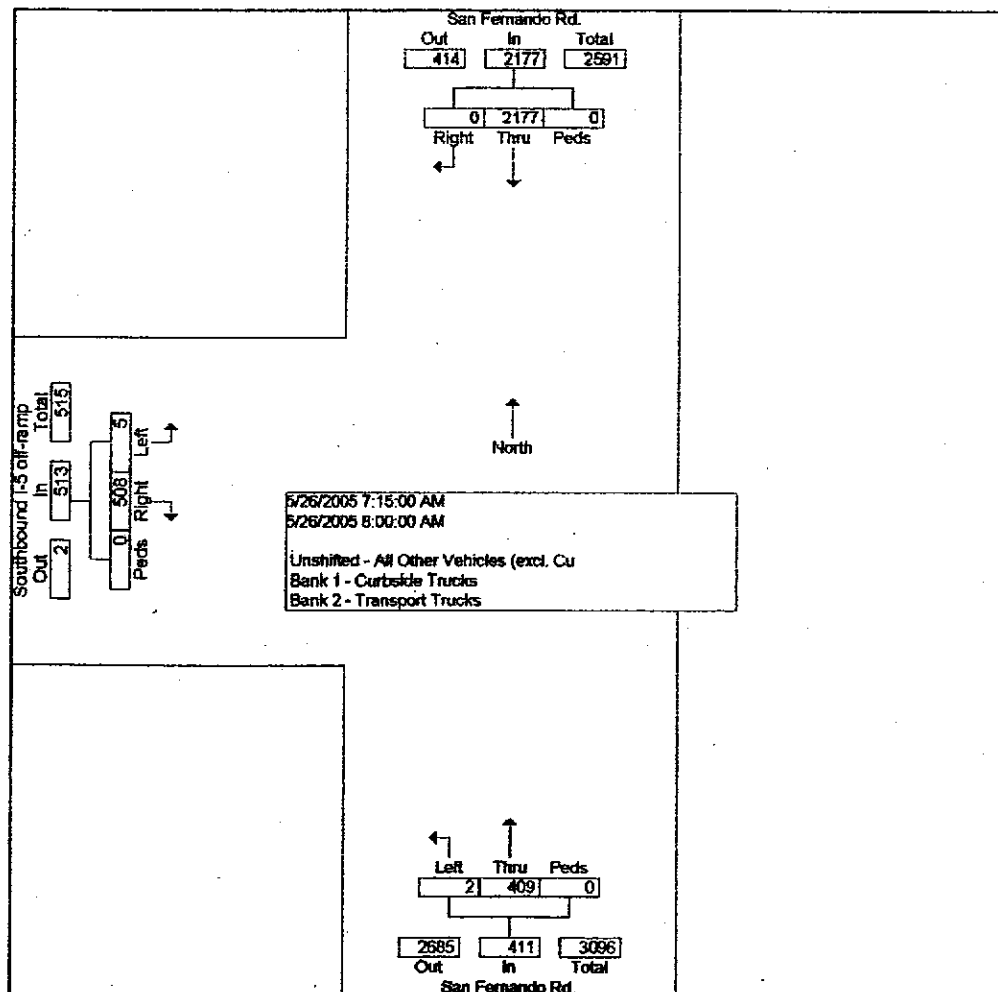
File Name : San Fernando and 5S of

Site Code : 00000006

Start Date : 05/26/2005

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	San Fernando Rd. From North					Southbound I-5 off-ramp From East					San Fernando Rd. From South					Southbound I-5 off-ramp From West					
Start Time	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Int. Total
Peak Hour From 07:00 AM to 11:45 AM - Peak 1 of 1																					
Intersection	07:15 AM																				
Volume	0	2177	0	0	2177	0	0	0	0	0	0	409	2	0	411	508	4	5	0	517	3105
Percent	0.0	100.0	0.0	0.0		0.0	0.0	0.0	0.0		0.0	99.5	0.5	0.0		98.3	0.8	1.0	0.0		
07:45																					
Volume	0	556	0	0	556	0	0	0	0	0	0	122	0	0	122	165	0	2	0	167	845
Peak Factor																					0.919
High Int.	07:15 AM					6:45:00 AM					07:45 AM					07:45 AM					
Volume	0	556	0	0	556	0	0	0	0	0	0	122	0	0	122	165	0	2	0	167	
Peak Factor	0.979										0.842					0.774					



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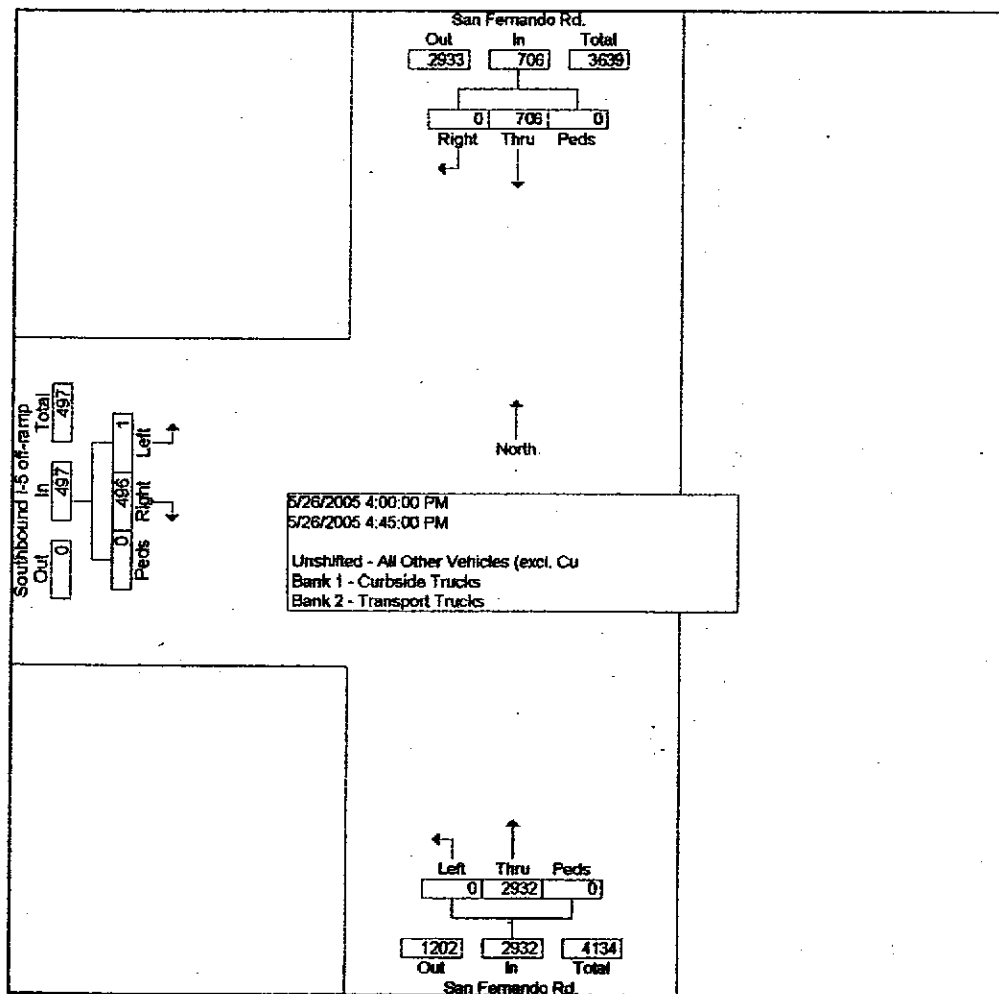
File Name : San Fernando and 55 off

Site Code : 00000006

Start Date : 05/26/2005

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	San Fernando Rd. From North					Southbound I-5 off-ramp From East					San Fernando Rd. From South					Southbound I-5 off-ramp From West					
Start Time	Right t	Thru	Left	Peds	App. Total	Right t	Thru	Left	Peds	App. Total	Right t	Thru	Left	Peds	App. Total	Right t	Thru	Left	Peds	App. Total	Int. Total
Peak Hour From 12:00 PM to 04:45 PM - Peak 1 of 1																					
Intersection	04:00 PM																				
Volume	0	706	0	0	706	0	0	0	0	0	0	2932	0	0	2932	496	0	1	0	497	4135
Percent	0.0	100.0	0.0	0.0		0.0	0.0	0.0	0.0		0.0	100.0	0.0	0.0		99.8	0.0	0.2	0.0		
04:45	0	172	0	0	172	0	0	0	0	0	0	900	0	0	900	153	0	0	0	153	1225
Peak Factor																					0.844
High Int.	04:30 PM										04:45 PM					04:15 PM					
Volume	0	230	0	0	230	0	0	0	0	0	0	900	0	0	900	165	0	1	0	166	
Peak Factor	0.767										0.814					0.748					



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Groups Printed- Unshifted - All Other Vehicles (excl. Cu

Start Time	San Fernando Rd. From North					Southbound I-5 off-ramp From East					San Fernando Rd. From South					Southbound I-5 off-ramp From West					Int. Total
	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	
Factor	1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		
07:00 AM	0	403	0	0	403	0	0	0	0	0	0	83	0	0	83	97	0	1	0	98	584
07:15 AM	0	551	0	0	551	0	0	0	0	0	0	93	0	0	93	148	4	1	0	153	797
07:30 AM	0	504	0	0	504	0	0	0	0	0	0	92	2	0	94	77	0	0	0	77	675
07:45 AM	0	550	0	0	550	0	0	0	0	0	0	118	0	0	118	165	0	2	0	167	835
Total	0	2008	0	0	2008	0	0	0	0	0	0	386	2	0	388	487	4	4	0	495	2891
08:00 AM	0	550	0	0	550	0	0	0	0	0	0	88	0	0	88	118	0	2	0	120	758
08:15 AM	0	410	0	0	410	0	0	0	0	0	0	67	0	0	67	91	0	0	0	91	568
08:30 AM	0	59	0	0	59	0	0	0	0	0	0	8	0	0	8	8	0	0	0	8	75
08:45 AM	0	196	0	0	196	0	0	0	0	0	0	87	0	0	87	82	0	0	0	82	365
Total	0	1215	0	0	1215	0	0	0	0	0	0	250	0	0	250	299	0	2	0	301	1766
09:00 AM	0	174	0	0	174	0	0	0	0	0	0	85	3	0	88	131	0	0	0	131	393
09:15 AM	0	98	0	0	98	0	0	0	0	0	0	108	0	0	108	121	0	0	0	121	327
09:30 AM	0	95	0	0	95	0	0	0	0	0	0	89	0	0	89	111	0	1	0	112	296
09:45 AM	0	88	0	0	88	0	0	0	0	0	0	98	0	0	98	84	0	1	0	85	271
Total	0	455	0	0	455	0	0	0	0	0	0	380	3	0	383	447	0	2	0	449	1287
10:00 AM	0	74	0	0	74	0	0	0	0	0	0	89	0	0	89	102	0	1	0	103	266
10:15 AM	0	80	0	0	80	0	0	0	0	0	0	93	0	0	93	87	0	0	0	87	260
10:30 AM	0	62	0	0	62	0	0	0	0	0	1	93	0	0	94	69	0	2	0	71	227
10:45 AM	0	111	0	0	111	0	0	0	0	0	0	99	0	0	99	80	0	2	0	82	292
Total	0	327	0	0	327	0	0	0	0	0	1	374	0	0	375	338	0	5	0	343	1045
11:00 AM	0	108	0	0	108	0	0	0	0	0	0	135	0	0	135	89	0	6	0	95	338
Total	0	108	0	0	108	0	0	0	0	0	0	135	0	0	135	89	0	6	0	95	338
12:30 PM	0	105	0	0	105	0	0	0	0	0	0	134	0	0	134	92	0	1	0	93	332
12:45 PM	0	91	0	0	91	0	0	0	0	0	0	133	0	0	133	108	0	1	0	109	333
Total	0	196	0	0	196	0	0	0	0	0	0	267	0	0	267	200	0	2	0	202	665
01:00 PM	0	119	0	0	119	0	0	0	0	0	0	164	0	0	164	101	0	0	0	101	384
01:15 PM	0	109	0	0	109	0	0	0	0	0	0	151	0	0	151	101	0	0	0	101	361
01:30 PM	0	101	0	0	101	0	0	0	0	0	0	113	0	0	113	91	1	1	0	93	307
01:45 PM	0	116	1	0	117	2	0	0	1	3	0	145	0	0	145	89	1	2	0	92	357
Total	0	445	1	0	446	2	0	0	1	3	0	573	0	0	573	382	2	3	0	387	1409
02:00 PM	0	160	0	0	160	0	0	0	0	0	0	199	1	0	200	92	0	2	0	94	454
02:15 PM	0	188	0	0	188	0	0	0	0	0	0	276	0	0	276	116	1	0	0	117	581
02:30 PM	0	134	0	0	134	0	0	0	0	0	0	295	0	0	295	98	0	0	0	98	527
02:45 PM	0	122	0	0	122	0	0	0	0	0	0	341	0	0	341	109	0	1	0	110	573
Total	0	604	0	0	604	0	0	0	0	0	0	1111	1	0	1112	415	1	3	0	419	2135
03:00 PM	0	144	0	0	144	0	0	0	0	0	0	389	0	0	389	108	0	2	0	110	643
03:15 PM	0	187	0	0	187	0	0	0	0	0	0	489	0	0	489	98	0	1	0	99	775
03:30 PM	0	210	0	0	210	0	0	0	0	0	0	557	0	0	557	149	0	0	0	149	916
03:45 PM	0	197	0	0	197	0	0	0	0	0	0	657	0	0	657	143	0	3	0	146	1000
Total	0	738	0	0	738	0	0	0	0	0	0	2092	0	0	2092	498	0	6	0	504	3334
04:00 PM	0	143	0	0	143	0	0	0	0	0	0	577	0	0	577	82	0	0	0	82	802
04:15 PM	0	158	0	0	158	0	0	0	0	0	0	731	0	0	731	165	0	1	0	166	1055
04:30 PM	0	228	0	0	228	0	0	0	0	0	0	723	0	0	723	96	0	0	0	96	1047
04:45 PM	0	171	0	0	171	0	0	0	0	0	0	899	0	0	899	153	0	0	0	153	1223
Total	0	700	0	0	700	0	0	0	0	0	0	2930	0	0	2930	496	0	1	0	497	4127
Grand Total	0	6796	1	0	6797	2	0	0	1	3	1	8498	6	0	8505	3651	7	34	0	3692	18997
prch %	0.0	100.0	0.0	0.0		66.7	0.0	0.0	33.3		0.0	99.9	0.1	0.0		98.9	0.2	0.9	0.0		
Total %	0.0	35.8	0.0	0.0	35.8	0.0	0.0	0.0	0.0	0.0	0.0	44.7	0.0	0.0	44.8	19.2	0.0	0.2	0.0	19.4	

MINAGAR & ASSOCIATES, INC.
18662 MacArthur Blvd., Suite 435
Irvine, CA 92612
(949) 727-3399

File Name : San Fernando and SS of
Site Code : 00000006
Start Date : 05/26/2005
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Groups Printed- Bank 1 - Curbside Trucks

Start Time	San Fernando Rd. From North					Southbound I-5 off-ramp From East					San Fernando Rd. From South					Southbound I-5 off-ramp From West					Int. Total
	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	
Factor	1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		
09:30 AM	0	1	0	0	1	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	2
Total	0	1	0	0	1	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	2
02:45 PM	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	1
Total	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	1
Grand Total	0	1	0	0	1	0	0	0	0	0	0	2	0	0	2	0	0	0	0	0	3
Apprch %	0.0	100.0	0.0	0.0		0.0	0.0	0.0	0.0		0.0	100.0	0.0	0.0		0.0	0.0	0.0	0.0		
Total %	0.0	33.3	0.0	0.0	33.3	0.0	0.0	0.0	0.0	0.0	0.0	66.7	0.0	0.0	66.7	0.0	0.0	0.0	0.0	0.0	

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18662 MacArthur Blvd., Suite 435
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(949) 727-3399

File Name : San Fernando and 5S off
Site Code : 00000006
Start Date : 05/26/2005
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Groups Printed- Bank 2 - Transport Trucks

Start Time	San Fernando Rd. From North					Southbound I-5 off-ramp From East					San Fernando Rd. From South					Southbound I-5 off-ramp From West					Int. Total
	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	
Factor	1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		
07:00 AM	0	4	0	0	4	0	0	0	0	0	0	2	0	0	2	0	0	0	0	0	6
07:15 AM	0	5	0	0	5	0	0	0	0	0	0	4	0	0	4	0	0	0	0	0	9
07:30 AM	0	9	0	0	9	0	0	0	0	0	0	7	0	0	7	0	0	0	0	0	16
07:45 AM	0	6	0	0	6	0	0	0	0	0	0	4	0	0	4	0	0	0	0	0	10
Total	0	24	0	0	24	0	0	0	0	0	0	17	0	0	17	0	0	0	0	0	41
08:00 AM	0	2	0	0	2	0	0	0	0	0	0	3	0	0	3	0	0	0	0	0	5
08:15 AM	0	10	0	0	10	0	0	0	0	0	0	2	0	0	2	0	0	0	0	0	12
08:30 AM	0	0	0	0	0	0	0	0	0	0	0	3	0	0	3	0	0	0	0	0	3
08:45 AM	0	8	0	0	8	0	0	0	0	0	0	8	0	0	8	0	0	0	0	0	16
Total	0	20	0	0	20	0	0	0	0	0	0	16	0	0	16	0	0	0	0	0	36
09:00 AM	0	8	0	0	8	0	0	0	0	0	0	7	0	0	7	0	0	0	0	0	15
09:15 AM	0	4	0	0	4	0	0	0	0	0	0	6	0	0	6	0	0	0	0	0	10
09:30 AM	0	5	0	0	5	0	0	0	0	0	0	4	0	0	4	0	0	0	0	0	9
09:45 AM	0	7	0	0	7	0	0	0	0	0	0	7	0	0	7	0	0	0	0	0	14
Total	0	24	0	0	24	0	0	0	0	0	0	24	0	0	24	0	0	0	0	0	48
10:00 AM	0	6	0	0	6	0	0	0	0	0	0	6	0	0	6	0	0	0	0	0	12
10:15 AM	0	5	0	0	5	0	0	0	0	0	0	3	0	0	3	0	0	0	0	0	8
10:30 AM	0	4	0	0	4	0	0	0	0	0	0	3	0	0	3	0	0	0	0	0	7
10:45 AM	0	6	0	0	6	0	0	0	0	0	0	7	0	0	7	0	0	0	0	0	13
Total	0	21	0	0	21	0	0	0	0	0	0	19	0	0	19	0	0	0	0	0	40
11:00 AM	0	4	0	0	4	0	0	0	0	0	0	7	0	0	7	0	0	0	0	0	11
Total	0	4	0	0	4	0	0	0	0	0	0	7	0	0	7	0	0	0	0	0	11
12:30 PM	0	8	0	0	8	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	9
12:45 PM	0	5	0	0	5	0	0	0	0	0	0	6	0	0	6	0	0	0	0	0	11
Total	0	13	0	0	13	0	0	0	0	0	0	7	0	0	7	0	0	0	0	0	20
01:00 PM	0	5	0	0	5	0	0	0	0	0	0	9	0	0	9	0	0	0	0	0	14
01:15 PM	0	8	0	0	8	0	0	0	0	0	0	5	0	0	5	0	0	0	0	0	13
01:30 PM	0	4	0	0	4	0	0	0	0	0	0	4	0	0	4	0	0	0	0	0	8
01:45 PM	0	5	0	0	5	0	0	0	0	0	0	8	0	0	8	0	0	0	0	0	13
Total	0	22	0	0	22	0	0	0	0	0	0	26	0	0	26	0	0	0	0	0	48
02:00 PM	0	6	0	0	6	0	0	0	0	0	0	2	0	0	2	0	0	0	0	0	8
02:15 PM	0	2	0	0	2	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	3
02:30 PM	0	5	0	0	5	0	0	0	0	0	0	4	0	0	4	0	0	0	0	0	9
02:45 PM	0	2	0	0	2	0	0	0	0	0	0	4	0	0	4	0	0	0	0	0	6
Total	0	15	0	0	15	0	0	0	0	0	0	11	0	0	11	0	0	0	0	0	26
03:00 PM	0	4	0	0	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4
03:15 PM	0	5	0	0	5	0	0	0	0	0	0	4	0	0	4	0	0	0	0	0	9
03:30 PM	0	5	0	0	5	0	0	0	0	0	0	3	0	0	3	0	0	0	0	0	8
03:45 PM	0	8	0	0	8	0	0	0	0	0	0	5	0	0	5	0	0	0	0	0	13
Total	0	22	0	0	22	0	0	0	0	0	0	12	0	0	12	0	0	0	0	0	34
04:00 PM	0	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
04:15 PM	0	2	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2
04:30 PM	0	2	0	0	2	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	3
04:45 PM	0	1	0	0	1	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	2
Total	0	6	0	0	6	0	0	0	0	0	0	2	0	0	2	0	0	0	0	0	8
Grand Total	0	171	0	0	171	0	0	0	0	0	0	141	0	0	141	0	0	0	0	0	312
prch %	0.0	100.0	0.0	0.0		0.0	0.0	0.0	0.0		0.0	100.0	0.0	0.0		0.0	0.0	0.0	0.0		
Total %	0.0	54.8	0.0	0.0	54.8	0.0	0.0	0.0	0.0	0.0	0.0	45.2	0.0	0.0	45.2	0.0	0.0	0.0	0.0	0.0	

MINAGAR & ASSOCIATES, INC.

18662 MacArthur Blvd., Suite 435

Irvine, CA 92612

(949) 727-3399

File Name : Sunshine Canyon and San Fernand

Site Code : 00000004

Start Date : 05/24/2005

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Groups Printed- Bank 2 - Transport Trucks

Start Time	San Fernando Rd. From North					Sunshine Canyon Rd./Driveway From East					San Fernando Rd. From South					Sunshine Canyon Rd./Driveway From West					Int. Total
	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	
Factor	1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		
07:00 AM	5	0	0	0	5	0	0	0	0	0	0	0	4	0	4	4	0	4	0	8	17
07:15 AM	5	0	0	0	5	0	0	0	0	0	0	1	4	0	5	5	0	2	0	7	17
07:30 AM	6	0	0	0	6	0	0	0	0	0	0	1	3	0	4	4	0	5	0	9	19
07:45 AM	4	0	0	0	4	0	0	0	0	0	0	0	6	0	6	2	0	4	0	6	16
Total	20	0	0	0	20	0	0	0	0	0	0	2	17	0	19	15	0	15	0	30	69
08:00 AM	5	0	0	0	5	0	0	0	0	0	0	0	10	0	10	6	0	7	0	13	28
08:15 AM	7	0	0	0	7	0	0	0	0	0	0	0	6	0	6	5	0	6	0	11	24
08:30 AM	2	0	0	0	2	0	0	0	0	0	0	0	0	0	0	2	0	2	0	4	6
Total	14	0	0	0	14	0	0	0	0	0	0	0	16	0	16	13	0	15	0	28	58
09:00 AM	4	0	0	0	4	0	0	0	0	0	0	0	2	0	2	2	0	6	0	8	14
09:15 AM	7	0	0	0	7	0	0	0	0	0	0	0	0	0	0	5	0	5	0	10	17
09:30 AM	6	1	0	0	7	0	0	0	0	0	0	1	8	0	9	6	0	5	0	11	27
09:45 AM	4	0	0	0	4	0	0	0	0	0	0	0	9	0	9	4	0	7	0	11	24
Total	21	1	0	0	22	0	0	0	0	0	0	1	19	0	20	17	0	23	0	40	82
10:00 AM	8	0	0	0	8	0	0	0	0	0	0	0	6	0	6	3	0	6	0	9	23
10:15 AM	5	0	0	0	5	0	0	0	0	0	0	0	8	0	8	8	0	1	0	9	22
10:30 AM	6	0	0	0	6	0	0	0	0	0	0	0	6	0	6	6	0	7	0	13	25
10:45 AM	4	1	0	0	5	0	0	0	0	0	0	1	16	0	17	1	0	4	0	5	27
Total	23	1	0	0	24	0	0	0	0	0	0	1	36	0	37	18	0	18	0	36	97
11:00 AM	8	0	0	0	8	0	0	0	0	0	0	0	5	0	5	4	0	4	0	8	21
11:15 AM	4	0	0	0	4	0	0	0	0	0	0	0	13	0	13	3	0	3	0	6	23
Total	12	0	0	0	12	0	0	0	0	0	0	0	18	0	18	7	0	7	0	14	44
12:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	2	0	2	0	0	0	0	0	2
12:15 PM	6	0	0	0	6	0	0	0	0	0	0	0	6	0	6	10	0	0	0	10	22
12:30 PM	6	0	0	0	6	0	0	0	0	0	0	1	10	0	11	5	0	7	0	12	29
12:45 PM	5	0	0	0	5	0	0	0	0	0	0	1	5	0	6	4	0	2	0	6	17
Total	17	0	0	0	17	0	0	0	0	0	0	2	23	0	25	19	0	9	0	28	70
01:00 PM	6	1	0	0	7	0	0	0	0	0	0	0	16	0	16	9	0	9	0	18	41
01:15 PM	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	2	0	1	0	3	4
01:30 PM	8	1	0	0	9	0	0	0	0	0	0	0	6	0	6	4	0	7	0	11	26
01:45 PM	8	7	0	0	15	0	0	0	0	0	0	5	11	0	16	13	0	0	0	13	44
Total	23	9	0	0	32	0	0	0	0	0	0	5	33	0	38	28	0	17	0	45	115
02:00 PM	1	1	0	0	2	0	0	0	0	0	0	0	14	0	14	10	0	7	0	17	33
02:15 PM	5	0	0	0	5	0	0	0	0	0	0	8	9	0	17	9	1	4	0	14	36
02:30 PM	8	0	0	0	8	0	0	0	0	0	0	0	6	0	6	9	0	1	0	10	24
02:45 PM	4	0	0	0	4	0	0	0	0	0	0	1	11	0	12	6	0	2	0	8	24
Total	18	1	0	0	19	0	0	0	0	0	0	9	40	0	49	34	1	14	0	49	117
03:00 PM	3	0	0	0	3	0	0	0	0	0	0	1	7	0	8	8	0	1	0	9	20
03:15 PM	7	3	0	0	10	0	0	0	0	0	0	0	6	0	6	13	0	0	0	13	29
03:30 PM	4	0	0	0	4	0	0	0	0	0	0	4	6	0	10	12	0	1	0	13	27
03:45 PM	2	0	0	0	2	0	0	0	0	0	0	0	1	0	1	2	0	1	0	3	6
Total	16	3	0	0	19	0	0	0	0	0	0	5	20	0	25	35	0	3	0	38	82
04:00 PM	6	0	0	0	6	0	0	0	0	0	0	1	5	0	6	9	0	0	0	9	21
04:15 PM	9	0	0	0	9	0	0	0	0	0	0	1	2	0	3	10	0	0	0	10	22
04:30 PM	0	2	0	0	2	0	0	0	0	0	0	0	7	0	7	12	1	1	0	14	23
04:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	2	0	2	3	0	1	0	4	6
Total	15	2	0	0	17	0	0	0	0	0	0	2	16	0	18	34	1	2	0	37	72
05:00 PM	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	3	0	0	0	3	4
05:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4	0	0	0	4	4
Grand Total	180	17	0	0	197	0	0	0	0	0	0	27	238	0	265	227	2	123	0	352	814
Approach %	91.4	8.6	0.0	0.0		0.0	0.0	0.0	0.0		0.0	10.2	89.8	0.0		64.5	0.6	34.9	0.0		

MINAGAR & ASSOCIATES, INC.
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File Name : Sunshine Canyon and San Fernando
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Start Date : 05/24/2005
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Groups Printed- Unshifted - All Other Vehicles (excl. Cu - Bank 1 - Curbside Trucks - Bank 2 - Transport Trucks

Start Time	San Fernando Rd. From North					Sunshine Canyon Rd./Driveway From East					San Fernando Rd. From South					Sunshine Canyon Rd./Driveway From West					Int. Total
	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	
Factor	1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		
07:00 AM	6	720	0	0	726	0	0	0	0	0	0	111	9	0	120	13	0	6	0	19	865
07:15 AM	7	701	0	0	708	0	0	0	0	0	0	91	13	0	104	18	0	2	0	20	832
07:30 AM	7	710	0	0	717	0	0	0	0	0	0	111	14	0	125	11	0	5	0	16	858
07:45 AM	4	675	0	0	679	0	0	0	0	0	0	105	13	0	118	2	0	4	0	6	803
Total	24	2806	0	0	2830	0	0	0	0	0	0	418	49	0	467	44	0	17	0	61	3358
08:00 AM	7	622	0	0	629	0	0	0	0	0	0	85	22	0	107	13	0	8	0	21	757
08:15 AM	9	570	0	0	579	0	0	0	0	0	0	118	20	0	138	14	0	7	0	21	738
08:30 AM	2	182	0	0	184	0	0	0	0	0	0	30	11	0	41	2	0	2	0	4	229
08:45 AM	1	458	0	0	459	0	0	0	0	0	0	78	3	0	81	1	0	0	0	1	541
Total	19	1832	0	0	1851	0	0	0	0	0	0	311	56	0	367	30	0	17	0	47	2265
09:00 AM	9	173	0	0	182	7	0	0	0	7	0	85	35	0	120	17	0	9	0	26	335
09:15 AM	14	202	0	0	216	0	0	0	0	0	0	105	18	0	123	16	0	5	0	21	360
09:30 AM	12	237	0	0	249	0	0	0	0	0	0	99	21	0	120	26	0	5	0	31	400
09:45 AM	9	184	0	0	193	0	0	0	0	0	0	79	25	0	104	16	0	11	0	27	324
Total	44	796	0	0	840	7	0	0	0	7	0	368	99	0	467	75	0	30	0	105	1419
10:00 AM	9	202	0	0	211	0	0	0	0	0	0	69	22	0	91	17	0	7	0	24	326
10:15 AM	6	192	1	0	199	0	0	0	0	0	0	86	17	0	103	18	0	2	0	20	322
10:30 AM	7	181	0	0	188	0	0	0	0	0	0	81	25	0	106	14	0	11	0	25	319
10:45 AM	9	175	0	0	184	0	0	0	0	0	0	106	42	0	148	16	0	5	0	21	353
Total	31	750	1	0	782	0	0	0	0	0	0	342	106	0	448	65	0	25	0	90	1320
11:00 AM	8	128	0	0	136	0	0	0	0	0	0	72	15	0	87	16	0	4	0	20	243
11:15 AM	4	130	0	0	134	0	0	0	0	0	0	82	25	0	107	19	0	3	0	22	263
11:30 AM	2	144	0	0	146	0	0	0	0	0	0	84	2	0	86	3	0	0	0	3	235
11:45 AM	1	164	0	0	165	0	0	0	0	0	0	85	2	0	87	3	0	1	0	4	256
Total	15	566	0	0	581	0	0	0	0	0	0	323	44	0	367	41	0	8	0	49	997
12:00 PM	0	63	0	0	63	0	0	0	0	0	0	21	2	0	23	0	0	0	0	0	86
12:15 PM	7	210	0	0	217	0	0	0	0	0	0	136	24	0	160	22	0	0	0	22	399
12:30 PM	8	219	0	0	227	0	0	0	0	0	0	99	28	0	127	18	0	9	0	27	381
12:45 PM	9	162	0	0	171	0	0	0	0	0	0	99	27	0	126	21	3	5	0	29	326
Total	24	654	0	0	678	0	0	0	0	0	0	355	81	0	436	61	3	14	0	78	1192
01:00 PM	7	178	0	0	185	0	0	0	0	0	0	103	34	0	137	27	0	11	0	38	360
01:15 PM	2	28	0	0	30	0	0	0	0	0	0	12	4	0	16	6	0	1	0	7	53
01:30 PM	8	197	0	0	205	0	0	0	0	0	0	172	18	0	190	20	0	8	0	28	423
01:45 PM	11	188	0	0	199	0	0	0	0	0	0	146	20	0	166	28	0	0	0	28	393
Total	28	591	0	0	619	0	0	0	0	0	0	433	76	0	509	81	0	20	0	101	1229
02:00 PM	3	220	0	0	223	0	0	0	0	0	0	140	32	0	172	18	0	7	0	25	420
02:15 PM	8	219	0	0	227	0	0	0	0	0	0	149	11	0	160	16	1	9	0	26	413
02:30 PM	9	261	0	0	270	0	0	0	0	0	0	212	9	0	221	25	0	6	0	31	522
02:45 PM	6	227	0	0	233	0	0	0	0	0	0	267	14	0	281	12	0	5	0	17	531
Total	26	927	0	0	953	0	0	0	0	0	0	768	66	0	834	71	1	27	0	99	1886
03:00 PM	4	257	0	0	261	0	0	0	0	0	0	285	11	0	296	16	0	2	0	18	575
03:15 PM	8	290	0	0	298	0	0	0	0	0	0	462	12	0	474	23	0	1	0	24	796
03:30 PM	4	281	0	0	285	0	0	0	0	0	0	495	12	0	507	17	0	3	0	20	812
03:45 PM	2	66	0	0	68	0	0	0	0	0	0	139	2	0	141	3	0	1	0	4	213
Total	18	894	0	0	912	0	0	0	0	0	0	1381	37	0	1418	59	0	7	0	66	2396
04:00 PM	8	177	0	0	185	0	0	0	0	0	0	389	10	0	399	14	0	0	0	14	598
04:15 PM	11	249	0	0	260	0	0	0	0	0	0	563	3	0	566	16	0	1	0	17	843
04:30 PM	4	295	0	0	299	0	0	0	0	0	0	645	11	0	656	18	1	6	0	25	980
04:45 PM	0	281	0	0	281	0	0	0	0	0	0	626	2	0	628	7	0	1	0	8	917
Total	23	1002	0	0	1025	0	0	0	0	0	0	2223	26	0	2249	55	1	8	0	64	3338

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 18662 MacArthur Blvd., Suite 435
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File Name : Sunshine Canyon and San Fernando
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Groups Printed- Unshifted - All Other Vehicles (excl. Cu - Bank 1 - Curbside Trucks - Bank 2 - Transport Trucks

Start Time	San Fernando Rd. From North					Sunshine Canyon Rd./Driveway From East					San Fernando Rd. From South					Sunshine Canyon Rd./Driveway From West					Int. Total
	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	
Factor	1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		
05:00 PM	3	257	0	0	260	0	0	0	0	0	0	671	2	0	673	12	1	3	0	16	949
05:15 PM	0	280	0	0	280	0	0	0	0	0	0	663	1	0	664	16	0	2	0	18	962
Grand Total	255	113 55	1	0	11611	7	0	0	0	7	0	825 6	643	0	8899	610	6	178	0	794	21311
Apprch %	2.2	97.8	0.0	0.0		100. 0	0.0	0.0	0.0		0.0	92.8	7.2	0.0		76.8	0.8	22.4	0.0		
Total %	1.2	53.3	0.0	0.0	54.5	0.0	0.0	0.0	0.0	0.0	0.0	38.7	3.0	0.0	41.8	2.9	0.0	0.8	0.0	3.7	

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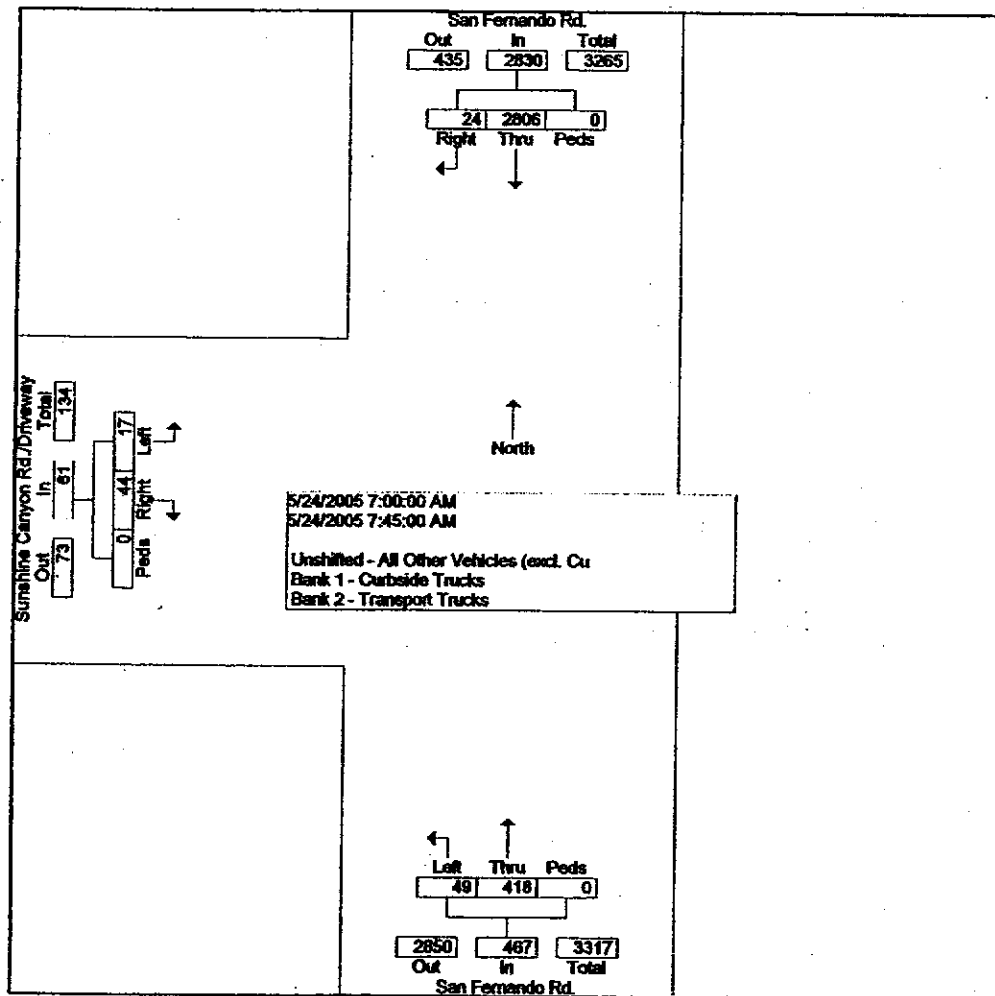
File Name : Sunshine Canyon and San Femand

Site Code : 00000004

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	San Fernando Rd. From North					Sunshine Canyon Rd./Driveway From East					San Fernando Rd. From South					Sunshine Canyon Rd./Driveway From West							
Start Time	Right t	Thru	Left	Peds	App. Total	Right t	Thru	Left	Peds	App. Total	Right t	Thru	Left	Peds	App. Total	Right t	Thru	Left	Peds	App. Total	Int. Total		
Peak Hour From 07:00 AM to 11:45 AM - Peak 1 of 1																							
Intersection	07:00 AM																						
Volume	24	280 6	0	0	2830	0	0	0	0	0	0	418	49	0	467	44	0	17	0	61	3358		
Percent	0.8	99.2	0.0	0.0		0.0	0.0	0.0	0.0		0.0	89.5	10.5	0.0		72.1	0.0	27.9	0.0				
07:00																							
Volume	6	720	0	0	726	0	0	0	0	0	0	111	9	0	120	13	0	6	0	19	865		
Peak Factor																					0.971		
High Int.	07:00 AM					6:45:00 AM					07:30 AM					07:15 AM							
Volume	6	720	0	0	726	0	0	0	0	0	0	111	14	0	125	18	0	2	0	20			
Peak Factor						0.975											0.934						0.762



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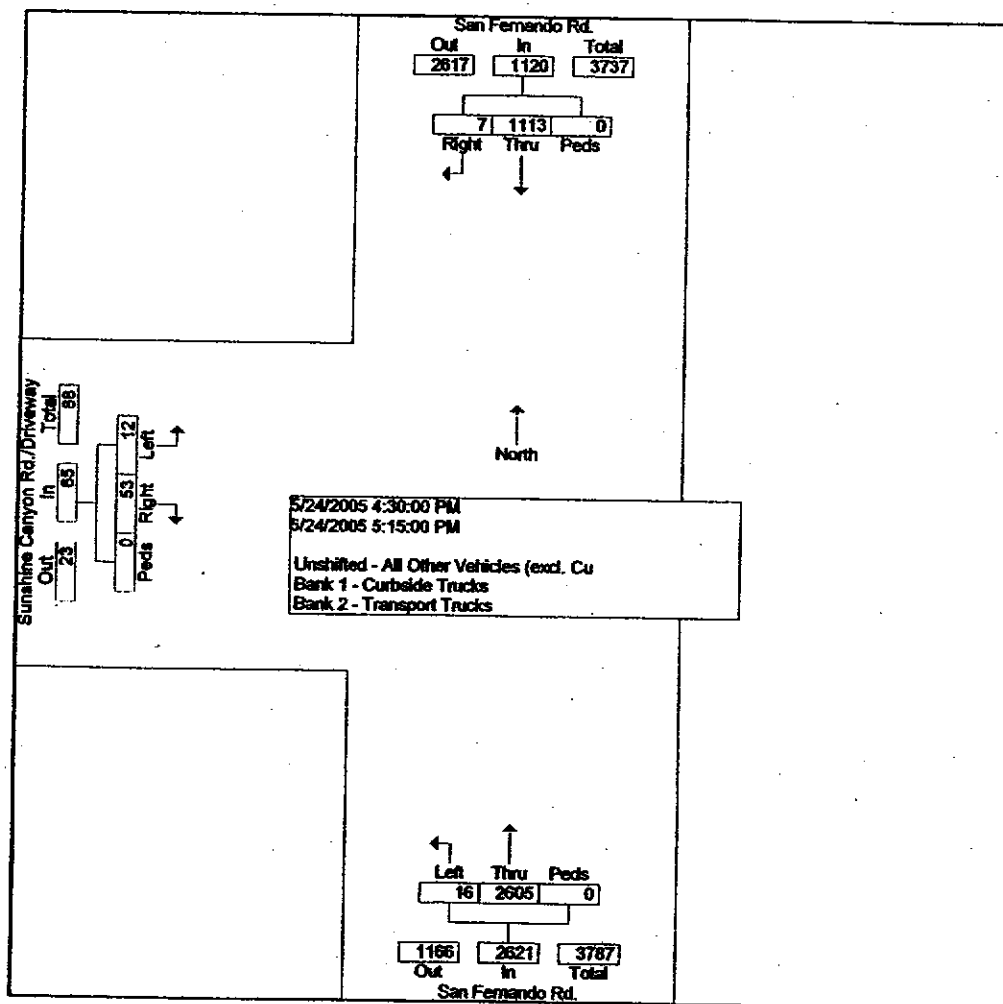
File Name : Sunshine Canyon and San Fernand

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	San Fernando Rd. From North					Sunshine Canyon Rd./Driveway From East					San Fernando Rd. From South					Sunshine Canyon Rd./Driveway From West						
Start Time	Right t	Thru	Left	Peds	App. Total	Right t	Thru	Left	Peds	App. Total	Right t	Thru	Left	Peds	App. Total	Right t	Thru	Left	Peds	App. Total	Int. Total	
Peak Hour From 12:00 PM to 05:15 PM - Peak 1 of 1																						
Intersection 04:30 PM																						
Volume	7	111 3	0	0	1120	0	0	0	0	0	0	260 5	16	0	2621	53	2	12	0	67	3808	
Percent	0.6	99.4	0.0	0.0		0.0	0.0	0.0	0.0		0.0	99.4	0.6	0.0		79.1	3.0	17.9	0.0			
04:30	4	295	0	0	299	0	0	0	0	0	0	645	11	0	656	18	1	6	0	25	980	
Volume																						
Peak Factor																					0.971	
High Int.	04:30 PM										05:00 PM											
Volume	4	295	0	0	299	0	0	0	0	0	0	671	2	0	673	04:30 PM						
Peak Factor					0.936										0.974	18	1	6	0	25		
																				0.670		



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Groups Printed- Unshifted - All Other Vehicles (excl. Cu

Start Time	San Fernando Rd. From North					Sunshine Canyon Rd./Driveway From East					San Fernando Rd. From South					Sunshine Canyon Rd./Driveway From West					Int. Total
	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	
Factor	1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		
07:00 AM	1	720	0	0	721	0	0	0	0	0	0	111	1	0	112	0	0	2	0	2	835
07:15 AM	1	701	0	0	702	0	0	0	0	0	0	90	4	0	94	2	0	0	0	2	798
07:30 AM	1	710	0	0	711	0	0	0	0	0	0	110	4	0	114	0	0	0	0	0	825
07:45 AM	0	675	0	0	675	0	0	0	0	0	0	105	4	0	109	0	0	0	0	0	784
Total	3	280	0	0	2809	0	0	0	0	0	0	416	13	0	429	2	0	2	0	4	3242
08:00 AM	2	622	0	0	624	0	0	0	0	0	0	85	2	0	87	2	0	0	0	2	713
08:15 AM	2	570	0	0	572	0	0	0	0	0	0	118	6	0	124	2	0	1	0	3	699
08:30 AM	0	182	0	0	182	0	0	0	0	0	0	30	0	0	30	0	0	0	0	0	212
08:45 AM	1	458	0	0	459	0	0	0	0	0	0	78	3	0	81	1	0	0	0	1	541
Total	5	183	0	0	1837	0	0	0	0	0	0	311	11	0	322	5	0	1	0	6	2165
09:00 AM	5	173	0	0	178	0	0	0	0	0	0	85	14	0	99	6	0	3	0	9	286
09:15 AM	7	200	0	0	207	0	0	0	0	0	0	105	2	0	107	1	0	0	0	1	315
09:30 AM	6	236	0	0	242	0	0	0	0	0	0	98	4	0	102	1	0	0	0	1	345
09:45 AM	5	184	0	0	189	0	0	0	0	0	0	79	6	0	85	2	0	3	0	5	279
Total	23	793	0	0	816	0	0	0	0	0	0	367	26	0	393	10	0	6	0	16	1225
10:00 AM	1	202	0	0	203	0	0	0	0	0	0	69	7	0	76	4	0	1	0	5	284
10:15 AM	1	192	1	0	194	0	0	0	0	0	0	86	1	0	87	4	0	1	0	5	286
10:30 AM	1	181	0	0	182	0	0	0	0	0	0	80	5	0	85	1	0	2	0	3	270
10:45 AM	5	174	0	0	179	0	0	0	0	0	0	99	2	0	101	4	0	1	0	5	285
Total	8	749	1	0	758	0	0	0	0	0	0	334	15	0	349	13	0	5	0	18	1125
11:00 AM	0	128	0	0	128	0	0	0	0	0	0	72	0	0	72	1	0	0	0	1	201
11:15 AM	0	130	0	0	130	0	0	0	0	0	0	82	4	0	86	5	0	0	0	5	221
11:30 AM	2	144	0	0	146	0	0	0	0	0	0	84	2	0	86	3	0	0	0	3	235
11:45 AM	1	164	0	0	165	0	0	0	0	0	0	85	2	0	87	3	0	1	0	4	256
Total	3	566	0	0	569	0	0	0	0	0	0	323	8	0	331	12	0	1	0	13	913
12:00 PM	0	63	0	0	63	0	0	0	0	0	0	21	0	0	21	0	0	0	0	0	84
12:15 PM	1	210	0	0	211	0	0	0	0	0	0	136	4	0	140	2	0	0	0	2	353
12:30 PM	2	219	0	0	221	0	0	0	0	0	0	98	3	0	101	7	0	2	0	9	331
12:45 PM	4	162	0	0	166	0	0	0	0	0	0	97	3	0	100	6	3	3	0	12	278
Total	7	654	0	0	661	0	0	0	0	0	0	352	10	0	362	15	3	5	0	23	1046
01:00 PM	1	177	0	0	178	0	0	0	0	0	0	102	4	0	106	7	0	2	0	9	293
01:15 PM	0	28	0	0	28	0	0	0	0	0	0	12	1	0	13	0	0	0	0	0	41
01:30 PM	0	196	0	0	196	0	0	0	0	0	0	172	5	0	177	2	0	1	0	3	376
01:45 PM	2	181	0	0	183	0	0	0	0	0	0	141	6	0	147	4	0	0	0	4	334
Total	3	582	0	0	585	0	0	0	0	0	0	427	16	0	443	13	0	3	0	16	1044
02:00 PM	2	219	0	0	221	0	0	0	0	0	0	140	5	0	145	1	0	0	0	1	367
02:15 PM	3	219	0	0	222	0	0	0	0	0	0	141	1	0	142	6	0	5	0	11	375
02:30 PM	1	261	0	0	262	0	0	0	0	0	0	212	1	0	213	7	0	4	0	11	486
02:45 PM	2	227	0	0	229	0	0	0	0	0	0	266	3	0	269	4	0	3	0	7	505
Total	8	926	0	0	934	0	0	0	0	0	0	759	10	0	769	18	0	12	0	30	1733
03:00 PM	1	257	0	0	258	0	0	0	0	0	0	284	1	0	285	4	0	1	0	5	548
03:15 PM	1	287	0	0	288	0	0	0	0	0	0	462	3	0	465	9	0	1	0	10	763
03:30 PM	0	281	0	0	281	0	0	0	0	0	0	491	2	0	493	2	0	2	0	4	778
03:45 PM	0	66	0	0	66	0	0	0	0	0	0	139	0	0	139	0	0	0	0	0	205
Total	2	891	0	0	893	0	0	0	0	0	0	137	6	0	1382	15	0	4	0	19	2294
04:00 PM	2	177	0	0	179	0	0	0	0	0	0	388	4	0	392	3	0	0	0	3	574
04:15 PM	2	249	0	0	251	0	0	0	0	0	0	562	0	0	562	3	0	1	0	4	817
04:30 PM	4	293	0	0	297	0	0	0	0	0	0	645	1	0	646	1	0	5	0	6	949
04:45 PM	0	281	0	0	281	0	0	0	0	0	0	626	0	0	626	2	0	0	0	2	909
Total	8	100	0	0	1008	0	0	0	0	0	0	222	5	0	2226	9	0	6	0	15	3249

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File Name : Sunshine Canyon and San Fernand
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Groups Printed- Unshifted - All Other Vehicles (excl. Cu

Start Time	San Fernando Rd. From North					Sunshine Canyon Rd./Driveway From East					San Fernando Rd. From South					Sunshine Canyon Rd./Driveway From West					Int. Total
	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	
Factor	1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		
05:00 PM	2	257	0	0	259	0	0	0	0	0	0	671	2	0	673	8	1	3	0	12	944
05:15 PM	0	280	0	0	280	0	0	0	0	0	0	663	1	0	664	11	0	2	0	13	957
Grand Total	72	113	1	0	11409	0	0	0	0	0	0	822	123	0	8343	131	4	50	0	185	19937
Apprch %	0.6	99.4	0.0	0.0		0.0	0.0	0.0	0.0		0.0	98.5	1.5	0.0		70.8	2.2	27.0	0.0		
Total %	0.4	56.9	0.0	0.0	57.2	0.0	0.0	0.0	0.0	0.0	0.0	41.2	0.6	0.0	41.8	0.7	0.0	0.3	0.0	0.9	

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Groups Printed- Bank 1 - Curbside Trucks

Groups Printed- Bank 1 - Curbside Trucks																						
	San Fernando Rd. From North					Sunshine Canyon Rd./Driveway From East					San Fernando Rd. From South					Sunshine Canyon Rd./Driveway From West						
Start Time	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Int. Total	
Factor	1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0			
07:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	4	0	4	9	0	0	0	0	9	13
07:15 AM	1	0	0	0	1	0	0	0	0	0	0	0	5	0	5	11	0	0	0	0	11	17
07:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	7	0	7	7	0	0	0	0	7	14
07:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	3	0	3	0	0	0	0	0	0	3
Total	1	0	0	0	1	0	0	0	0	0	0	0	19	0	19	27	0	0	0	0	27	47
08:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	10	0	10	5	0	1	0	0	6	16
08:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	8	0	8	7	0	0	0	0	7	15
08:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	11	0	11	0	0	0	0	0	0	11
Total	0	0	0	0	0	0	0	0	0	0	0	0	29	0	29	12	0	1	0	0	13	42
09:00 AM	0	0	0	0	0	7	0	0	0	7	0	0	19	0	19	9	0	0	0	0	9	35
09:15 AM	0	2	0	0	2	0	0	0	0	0	0	0	16	0	16	10	0	0	0	0	10	28
09:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	9	0	9	19	0	0	0	0	19	28
09:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	10	0	10	10	0	1	0	0	11	21
Total	0	2	0	0	2	7	0	0	0	7	0	0	54	0	54	48	0	1	0	0	49	112
10:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	9	0	9	10	0	0	0	0	10	19
10:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	8	0	8	6	0	0	0	0	6	14
10:30 AM	0	0	0	0	0	0	0	0	0	0	0	1	14	0	15	7	0	2	0	0	9	24
10:45 AM	0	0	0	0	0	0	0	0	0	0	0	6	24	0	30	11	0	0	0	0	11	41
Total	0	0	0	0	0	0	0	0	0	0	0	7	55	0	62	34	0	2	0	0	36	98
11:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	10	0	10	11	0	0	0	0	11	21
11:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	8	0	8	11	0	0	0	0	11	19
Total	0	0	0	0	0	0	0	0	0	0	0	0	18	0	18	22	0	0	0	0	22	40
12:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	14	0	14	10	0	0	0	0	10	24
12:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	15	0	15	6	0	0	0	0	6	21
12:45 PM	0	0	0	0	0	0	0	0	0	0	0	1	19	0	20	11	0	0	0	0	11	31
Total	0	0	0	0	0	0	0	0	0	0	0	1	48	0	49	27	0	0	0	0	27	76
01:00 PM	0	0	0	0	0	0	0	0	0	0	0	1	14	0	15	11	0	0	0	0	11	26
01:15 PM	1	0	0	0	1	0	0	0	0	0	0	0	3	0	3	4	0	0	0	0	4	8
01:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	7	0	7	14	0	0	0	0	14	21
01:45 PM	1	0	0	0	1	0	0	0	0	0	0	0	3	0	3	11	0	0	0	0	11	15
Total	2	0	0	0	2	0	0	0	0	0	0	1	27	0	28	40	0	0	0	0	40	70
02:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	13	0	13	7	0	0	0	0	7	20
02:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	1	0	0	0	0	1	2
02:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	2	0	2	9	0	1	0	0	10	12
02:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	0	0	0	2	2
Total	0	0	0	0	0	0	0	0	0	0	0	0	16	0	16	19	0	1	0	0	20	36
03:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	3	0	3	4	0	0	0	0	4	7
03:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	3	0	3	1	0	0	0	0	1	4
03:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	4	0	4	3	0	0	0	0	3	7
03:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	1	0	0	0	0	1	2
Total	0	0	0	0	0	0	0	0	0	0	0	0	11	0	11	9	0	0	0	0	9	20
04:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	2	0	0	0	0	2	3
04:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	3	0	0	0	0	3	4
04:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	3	0	3	5	0	0	0	0	5	8
04:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	0	0	0	2	2
Total	0	0	0	0	0	0	0	0	0	0	0	0	5	0	5	12	0	0	0	0	12	17
05:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	1	1
05:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	1	1
Grand Total	3	2	0	0	5	7	0	0	0	7	0	9	282	0	291	252	0	5	0	0	257	560
Approch %	60.0	40.0	0.0	0.0	100.0	0.0	0.0	0.0	0.0	0.0	0.0	3.1	96.9	0.0	98.1	0.0	0.0	1.9	0.0	0.0	0.0	

MINAGAR & ASSOCIATES, INC.

18662 MacArthur Blvd., Suite 435

Irvine, CA 92612

(949) 727-3399

File Name : San Fernando and Sierra Hw

Site Code : 00000003

Start Date : 05/23/2005

Page No : 1

Groups Printed- Unshifted - All Other Vehicles (excl. Curbside & Transport) - Bank 1 - Curbside Trucks - Bank 2 - Transport Trucks

Start Time	San Fernando Rd. From North					Sierra Highway From East					San Fernando Rd. From South					Sierra Highway From West					Int. Total
	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	
Factor	1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		
07:00 AM	0	260	40	0	300	0	0	65	0	65	92	19	0	0	111	0	0	0	0	0	476
07:15 AM	0	309	67	0	376	0	0	108	0	108	65	23	0	0	88	0	0	0	0	0	572
07:30 AM	0	279	68	0	347	0	0	104	0	104	116	44	0	0	160	0	0	0	0	0	611
07:45 AM	0	332	50	0	382	1	0	136	0	137	107	31	0	0	138	0	0	0	0	0	657
Total	0	1180	225	0	1405	1	0	413	0	414	380	117	0	0	497	0	0	0	0	0	2316
08:00 AM	0	220	16	0	236	1	0	155	0	156	97	31	0	0	128	0	0	0	0	0	520
08:15 AM	0	171	19	0	190	7	0	146	0	153	63	31	0	0	94	0	0	0	0	0	437
08:30 AM	0	88	2	0	90	2	0	112	0	114	43	16	0	0	59	9	0	0	0	9	272
08:45 AM	0	10	2	0	12	0	0	16	0	16	21	5	0	0	26	0	0	0	0	0	54
Total	0	489	39	0	528	10	0	429	0	439	224	83	0	0	307	9	0	0	0	9	1283
09:00 AM	0	76	3	0	79	4	0	77	0	81	86	21	0	0	107	0	0	0	0	0	267
09:15 AM	0	47	4	0	51	4	0	38	0	42	87	21	0	0	108	0	0	0	0	0	201
09:30 AM	0	25	10	0	35	9	0	31	0	40	77	18	0	0	95	0	0	0	0	0	170
09:45 AM	0	25	4	0	29	9	0	36	0	45	65	28	0	0	93	0	0	0	0	0	167
Total	0	173	21	0	194	26	0	182	0	208	315	88	0	0	403	0	0	0	0	0	805
10:00 AM	0	45	14	0	59	1	0	27	0	28	43	24	0	0	67	0	0	0	0	0	154
10:15 AM	0	48	2	0	50	2	1	31	0	34	36	31	0	0	67	0	0	0	0	0	151
10:30 AM	0	16	4	0	20	1	0	11	0	12	17	19	0	0	36	0	0	0	0	0	68
10:45 AM	0	16	0	0	16	1	0	25	0	26	26	9	0	0	35	0	0	0	0	0	77
Total	0	125	20	0	145	5	1	94	0	100	122	83	0	0	205	0	0	0	0	0	450
11:00 AM	0	20	6	0	26	5	0	27	0	32	81	18	0	0	99	0	0	0	0	0	157
11:15 AM	0	37	4	0	41	6	0	39	0	45	75	26	0	0	101	0	0	0	0	0	187
11:30 AM	0	47	17	0	64	6	1	53	0	60	49	50	0	0	99	0	0	0	0	0	223
11:45 AM	0	32	10	0	42	0	0	23	0	23	75	24	0	0	99	0	0	0	0	0	164
Total	0	136	37	0	173	17	1	142	0	160	280	118	0	0	398	0	0	0	0	0	731
12:00 PM	0	37	5	0	42	4	0	25	0	29	71	22	0	0	93	0	0	0	0	0	164
12:15 PM	0	39	12	0	51	4	0	40	0	44	89	42	0	0	131	0	0	0	0	0	226
12:30 PM	0	30	0	0	30	3	0	43	0	46	73	51	0	0	124	0	0	0	0	0	200
12:45 PM	0	31	6	0	37	6	0	36	0	42	90	29	0	0	119	0	0	0	0	0	198
Total	0	137	23	0	160	17	0	144	0	161	323	144	0	0	467	0	0	0	0	0	788
01:00 PM	0	42	6	0	48	1	0	22	0	23	58	36	0	0	94	0	0	0	0	0	165
01:15 PM	0	28	10	0	38	2	0	31	0	33	96	43	0	0	139	0	0	0	0	0	210
01:30 PM	0	42	14	0	56	1	1	36	0	38	109	45	0	0	154	0	0	0	0	0	248
01:45 PM	0	34	3	0	37	4	0	34	0	38	124	44	0	0	168	0	0	0	0	0	243
Total	0	146	33	0	179	8	1	123	0	132	387	168	0	0	555	0	0	0	0	0	866
02:00 PM	0	7	4	0	11	0	0	12	0	12	18	9	0	0	27	0	0	0	0	0	50
02:15 PM	0	15	9	0	24	1	0	19	0	20	36	11	0	0	47	0	0	0	0	0	91
02:30 PM	0	43	14	0	57	1	0	55	0	56	147	72	0	0	219	0	0	0	0	0	332
02:45 PM	0	36	11	0	47	2	0	36	0	38	187	100	0	0	287	0	0	0	0	0	372
Total	0	101	38	0	139	4	0	122	0	126	388	192	0	0	580	0	0	0	0	0	845
03:00 PM	0	64	14	0	78	3	0	18	0	21	205	107	0	0	312	0	0	0	0	0	411
03:15 PM	0	54	19	0	73	3	0	35	0	38	260	122	0	0	382	0	0	0	0	0	493
03:30 PM	0	52	10	0	62	3	0	23	0	26	302	130	0	0	432	0	0	0	0	0	520
03:45 PM	0	57	15	0	72	2	0	37	0	39	317	146	0	0	463	0	0	0	0	0	574
Total	0	227	58	0	285	11	0	113	0	124	1084	505	0	0	1589	0	0	0	0	0	1998
04:00 PM	0	59	16	0	75	5	0	39	0	44	332	132	0	0	464	0	0	0	0	0	583
04:15 PM	0	68	7	0	75	5	0	41	0	46	388	186	0	0	574	0	0	0	0	0	695
04:30 PM	0	52	10	0	62	13	0	40	0	53	408	217	0	0	625	0	0	0	0	0	740
04:45 PM	0	66	8	0	74	4	0	39	0	43	420	160	0	0	580	0	0	0	0	0	697
Total	0	245	41	0	286	27	0	159	0	186	1548	695	0	0	2243	0	0	0	0	0	2715

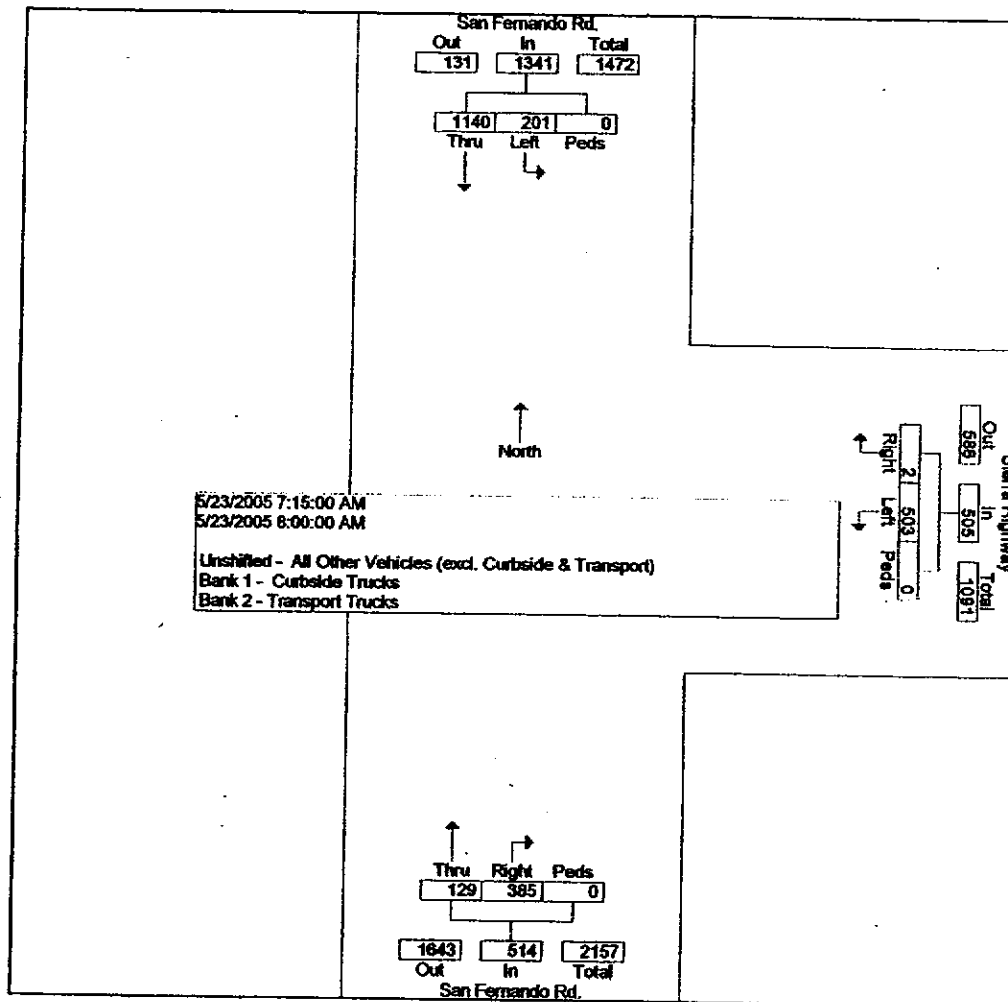
MINAGAR & ASSOCIATES, INC.
18662 MacArthur Blvd., Suite 435
Irvine, CA 92612
(949) 727-3399

File Name : San Fernando and Sierra Hw
Site Code : 00000003
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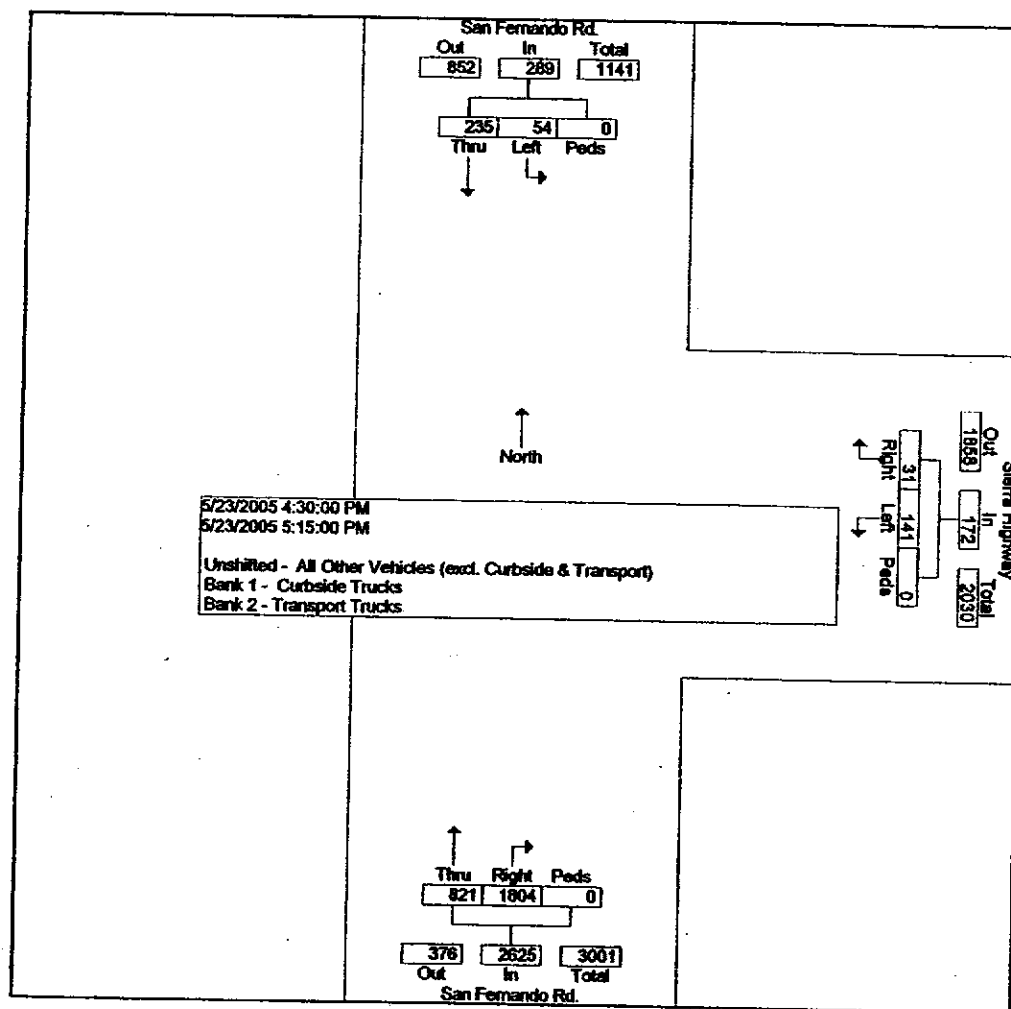
Groups Printed- Unshifted - All Other Vehicles (excl. Curbside & Transport) - Bank 1 - Curbside Trucks - Bank 2 - Transport Trucks

Start Time	San Fernando Rd. From North					Sierra Highway From East					San Fernando Rd. From South					Sierra Highway From West					Int. Total
	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	
Factor	1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		
05:00 PM	0	51	10	0	61	7	0	24	0	31	530	221	0	0	751	0	0	0	0	0	843
05:15 PM	0	66	26	0	92	7	1	38	0	46	446	223	0	0	669	0	0	0	0	0	807
Grand Total	0	307 6	571	0	3647	140	4	198 3	0	2127	602 7	263 7	0	0	8664	9	0	0	0	9	14447
Approch %	0.0	84.3	15.7	0.0		6.6	0.2	93.2	0.0		69.6	30.4	0.0	0.0		100. 0	0.0	0.0	0.0		
Total %	0.0	21.3	4.0	0.0	25.2	1.0	0.0	13.7	0.0	14.7	41.7	18.3	0.0	0.0	60.0	0.1	0.0	0.0	0.0	0.1	

	San Fernando Rd. From North					Sierra Highway From East					San Fernando Rd. From South					Sierra Highway From West					
Start Time	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Int. Total
Peak Hour From 07:00 AM to 11:45 AM - Peak 1 of 1																					
Intersection 07:15 AM																					
Volume	0	114	201	0	1341	2	0	503	0	505	385	129	0	0	514	0	0	0	0	0	2360
Percent	0.0	85.0	15.0	0.0		0.4	0.0	99.6	0.0		74.9	25.1	0.0	0.0		0.0	0.0	0.0	0.0		
07:45	0	332	50	0	382	1	0	136	0	137	107	31	0	0	138	0	0	0	0	0	657
Peak Factor																					
High Int.	07:45 AM					08:00 AM					07:30 AM					6:45:00 AM					0.898
Volume	0	332	50	0	382	1	0	155	0	156	116	44	0	0	160						
Peak Factor	0.878										0.809					0.803					



	San Fernando Rd. From North					Sierra Highway From East					San Fernando Rd. From South					Sierra Highway From West					
Start Time	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Int. Total
Peak Hour From 12:00 PM to 05:15 PM - Peak 1 of 1																					
Intersection 04:30 PM																					
Volume	0	235	54	0	289	31	1	141	0	173	180 4	821	0	0	2625	0	0	0	0	0	3087
Percent	0.0	81.3	18.7	0.0		17.9	0.6	81.5	0.0		68.7	31.3	0.0	0.0		0.0	0.0	0.0	0.0		
05:00	0	51	10	0	61	7	0	24	0	31	530	221	0	0	751	0	0	0	0	0	843
Volume																					
Peak Factor																					0.915
High Int.	05:15 PM					04:30 PM					05:00 PM										
Volume	0	66	26	0	92	13	0	40	0	53	530	221	0	0	751						
Peak Factor					0.785					0.816					0.874						



MINAGAR & ASSOCIATES, INC.
18662 MacArthur Blvd., Suite 435
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File Name : San Fernando and Sierra Hw
Site Code : 00000003
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Groups Printed- Unshifted - All Other Vehicles (excl. Curbside & Transport)

Start Time	San Fernando Rd. From North					Sierra Highway From East					San Fernando Rd. From South					Sierra Highway From West					Int. Total
	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	
Factor	1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		
07:00 AM	0	260	40	0	300	0	0	65	0	65	92	19	0	0	111	0	0	0	0	0	476
07:15 AM	0	308	67	0	375	0	0	108	0	108	65	23	0	0	88	0	0	0	0	0	571
07:30 AM	0	279	68	0	347	0	0	103	0	103	116	44	0	0	160	0	0	0	0	0	610
07:45 AM	0	332	50	0	382	1	0	135	0	136	107	31	0	0	138	0	0	0	0	0	656
Total	0	1179	225	0	1404	1	0	411	0	412	380	117	0	0	497	0	0	0	0	0	2313
08:00 AM	0	220	16	0	236	1	0	155	0	156	97	31	0	0	128	0	0	0	0	0	520
08:15 AM	0	171	19	0	190	6	0	145	0	151	63	31	0	0	94	0	0	0	0	0	435
08:30 AM	0	88	2	0	90	2	0	112	0	114	43	16	0	0	59	9	0	0	0	9	272
08:45 AM	0	10	2	0	12	0	0	16	0	16	21	5	0	0	26	0	0	0	0	0	54
Total	0	489	39	0	528	9	0	428	0	437	224	83	0	0	307	9	0	0	0	9	1281
09:00 AM	0	76	3	0	79	4	0	77	0	81	86	21	0	0	107	0	0	0	0	0	267
09:15 AM	0	47	4	0	51	4	0	38	0	42	87	21	0	0	108	0	0	0	0	0	201
09:30 AM	0	25	10	0	35	9	0	31	0	40	77	18	0	0	95	0	0	0	0	0	170
09:45 AM	0	25	4	0	29	9	0	36	0	45	65	28	0	0	93	0	0	0	0	0	167
Total	0	173	21	0	194	26	0	182	0	208	315	88	0	0	403	0	0	0	0	0	805
10:00 AM	0	45	13	0	58	1	0	27	0	28	43	24	0	0	67	0	0	0	0	0	153
10:15 AM	0	48	2	0	50	2	1	31	0	34	36	31	0	0	67	0	0	0	0	0	151
10:30 AM	0	16	4	0	20	1	0	11	0	12	17	19	0	0	36	0	0	0	0	0	68
10:45 AM	0	16	0	0	16	1	0	25	0	26	26	9	0	0	35	0	0	0	0	0	77
Total	0	125	19	0	144	5	1	94	0	100	122	83	0	0	205	0	0	0	0	0	449
11:00 AM	0	20	6	0	26	5	0	27	0	32	81	18	0	0	99	0	0	0	0	0	157
11:15 AM	0	37	4	0	41	6	0	39	0	45	75	26	0	0	101	0	0	0	0	0	187
11:30 AM	0	47	17	0	64	6	1	53	0	60	49	50	0	0	99	0	0	0	0	0	223
11:45 AM	0	32	10	0	42	0	0	23	0	23	75	24	0	0	99	0	0	0	0	0	164
Total	0	136	37	0	173	17	1	142	0	160	280	118	0	0	398	0	0	0	0	0	731
12:00 PM	0	37	5	0	42	4	0	25	0	29	71	22	0	0	93	0	0	0	0	0	164
12:15 PM	0	39	12	0	51	4	0	40	0	44	89	42	0	0	131	0	0	0	0	0	226
12:30 PM	0	30	0	0	30	3	0	43	0	46	73	51	0	0	124	0	0	0	0	0	200
12:45 PM	0	31	6	0	37	6	0	36	0	42	90	29	0	0	119	0	0	0	0	0	198
Total	0	137	23	0	160	17	0	144	0	161	323	144	0	0	467	0	0	0	0	0	788
01:00 PM	0	42	6	0	48	1	0	22	0	23	58	36	0	0	94	0	0	0	0	0	165
01:15 PM	0	28	10	0	38	2	0	31	0	33	96	43	0	0	139	0	0	0	0	0	210
01:30 PM	0	42	14	0	56	1	1	36	0	38	109	45	0	0	154	0	0	0	0	0	248
01:45 PM	0	34	3	0	37	4	0	34	0	38	124	44	0	0	168	0	0	0	0	0	243
Total	0	146	33	0	179	8	1	123	0	132	387	168	0	0	555	0	0	0	0	0	866
02:00 PM	0	7	4	0	11	0	0	12	0	12	18	9	0	0	27	0	0	0	0	0	50
02:15 PM	0	15	9	0	24	1	0	19	0	20	35	11	0	0	46	0	0	0	0	0	90
02:30 PM	0	43	14	0	57	1	0	49	0	50	142	71	0	0	213	0	0	0	0	0	320
02:45 PM	0	35	11	0	46	2	0	30	0	32	184	99	0	0	283	0	0	0	0	0	361
Total	0	100	38	0	138	4	0	110	0	114	379	190	0	0	569	0	0	0	0	0	821
03:00 PM	0	63	14	0	77	3	0	15	0	18	205	107	0	0	312	0	0	0	0	0	407
03:15 PM	0	53	19	0	72	3	0	30	0	33	260	122	0	0	382	0	0	0	0	0	487
03:30 PM	0	50	10	0	60	2	0	21	0	23	300	129	0	0	429	0	0	0	0	0	512
03:45 PM	0	55	15	0	70	2	0	35	0	37	315	145	0	0	460	0	0	0	0	0	567
Total	0	221	58	0	279	10	0	101	0	111	1080	503	0	0	1583	0	0	0	0	0	1973
04:00 PM	0	57	16	0	73	5	0	34	0	39	330	129	0	0	459	0	0	0	0	0	571
04:15 PM	0	66	7	0	73	5	0	37	0	42	384	186	0	0	570	0	0	0	0	0	685
04:30 PM	0	51	10	0	61	13	0	40	0	53	407	216	0	0	623	0	0	0	0	0	737
04:45 PM	0	66	8	0	74	4	0	39	0	43	420	159	0	0	579	0	0	0	0	0	696
Total	0	240	41	0	281	27	0	150	0	177	1541	690	0	0	2231	0	0	0	0	0	2689

MINAGAR & ASSOCIATES, INC.
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 Irvine, CA 92612
 (949) 727-3399

File Name : San Fernando and Sierra Hw.
 Site Code : 00000003
 Start Date : 05/23/2005
 Page No : 2

Groups Printed- Unshifted - All Other Vehicles (excl. Curbside & Transport)

Start Time	San Fernando Rd. From North					Sierra Highway From East					San Fernando Rd. From South					Sierra Highway From West					Int. Total
	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	
Factor	1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		
05:00 PM	0	51	10	0	61	7	0	23	0	30	529	221	0	0	750	0	0	0	0	0	841
05:15 PM	0	66	26	0	92	7	1	38	0	46	446	223	0	0	669	0	0	0	0	0	807
Grand Total	0	306	570	0	3633	138	4	194	0	2088	600	262	0	0	8634	9	0	0	0	9	14364
		3						6			6	8									
Apprch %	0.0	84.3	15.7	0.0		6.6	0.2	93.2	0.0		69.6	30.4	0.0	0.0		100.	0.0	0.0	0.0		
Total %	0.0	21.3	4.0	0.0	25.3	1.0	0.0	13.5	0.0	14.5	41.8	18.3	0.0	0.0	60.1	0.1	0.0	0.0	0.0	0.1	

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File Name : San Fernando and Sierra Hw.
Site Code : 00000003
Start Date : 05/23/2005
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Groups Printed- Bank 1 - Curbside Trucks

Start Time	San Fernando Rd. From North					Sierra Highway From East					San Fernando Rd. From South					Sierra Highway From West					Int. Total
	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	
Factor	1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		
07:30 AM	0	0	0	0	0	0	0	1	0	1	0	0	0	0	0	0	0	0	0	0	0
07:45 AM	0	0	0	0	0	0	0	1	0	1	0	0	0	0	0	0	0	0	0	0	1
Total	0	0	0	0	0	0	0	2	0	2	0	0	0	0	0	0	0	0	0	0	2
08:15 AM	0	0	0	0	0	1	0	1	0	2	0	0	0	0	0	0	0	0	0	0	2
Total	0	0	0	0	0	1	0	1	0	2	0	0	0	0	0	0	0	0	0	0	2
10:00 AM	0	0	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Total	0	0	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
02:30 PM	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1	0	0	0	0	0	1
Total	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1	0	0	0	0	0	1
03:30 PM	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	1
Total	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	1
Grand Total	0	0	1	0	1	1	0	3	0	4	1	1	0	0	2	0	0	0	0	0	7
Approch %	0.0	0.0	100.0	0.0		25.0	0.0	75.0	0.0		50.0	50.0	0.0	0.0		0.0	0.0	0.0	0.0		
Total %	0.0	0.0	14.3	0.0	14.3	14.3	0.0	42.9	0.0	57.1	14.3	14.3	0.0	0.0	28.6	0.0	0.0	0.0	0.0	0.0	

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File Name : San Fernando and Sierra Hw.
Site Code : 00000003
Start Date : 05/23/2005
Page No : 1

Groups Printed- Bank 2 - Transport Trucks

Start Time	San Fernando Rd. From North					Sierra Highway From East					San Fernando Rd. From South					Sierra Highway From West					Int. Total
	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	
Factor	1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		
07:15 AM	0	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Total	0	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
02:15 PM	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1	0	0	0	0	0	1
02:30 PM	0	0	0	0	0	0	0	6	0	6	4	1	0	0	5	0	0	0	0	0	11
02:45 PM	0	1	0	0	1	0	0	6	0	6	3	1	0	0	4	0	0	0	0	0	11
Total	0	1	0	0	1	0	0	12	0	12	8	2	0	0	10	0	0	0	0	0	23
03:00 PM	0	1	0	0	1	0	0	3	0	3	0	0	0	0	0	0	0	0	0	0	4
03:15 PM	0	1	0	0	1	0	0	5	0	5	0	0	0	0	0	0	0	0	0	0	6
03:30 PM	0	2	0	0	2	1	0	2	0	3	2	0	0	0	2	0	0	0	0	0	7
03:45 PM	0	2	0	0	2	0	0	2	0	2	2	1	0	0	3	0	0	0	0	0	7
Total	0	6	0	0	6	1	0	12	0	13	4	1	0	0	5	0	0	0	0	0	24
04:00 PM	0	2	0	0	2	0	0	5	0	5	2	3	0	0	5	0	0	0	0	0	12
04:15 PM	0	2	0	0	2	0	0	4	0	4	4	0	0	0	4	0	0	0	0	0	10
04:30 PM	0	1	0	0	1	0	0	0	0	0	1	1	0	0	2	0	0	0	0	0	3
04:45 PM	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	1
Total	0	5	0	0	5	0	0	9	0	9	7	5	0	0	12	0	0	0	0	0	26
05:00 PM	0	0	0	0	0	0	0	1	0	1	1	0	0	0	1	0	0	0	0	0	2
Grand Total	0	13	0	0	13	1	0	34	0	35	20	8	0	0	28	0	0	0	0	0	76
Approch %	0.0	100.0	0.0	0.0		2.9	0.0	97.1	0.0		71.4	28.6	0.0	0.0		0.0	0.0	0.0	0.0		
Total %	0.0	17.1	0.0	0.0	17.1	1.3	0.0	44.7	0.0	46.1	26.3	10.5	0.0	0.0	36.8	0.0	0.0	0.0	0.0	0.0	

APPENDIX B

LOS & V/C Assessments

Conducted by Minagar & Associates, Inc.



MINAGAR & ASSOCIATES, INC.

Roxford @ Encinitas 2005 LLG AM

MINAGAR & ASSOCIATES, INC.

DIRECTION	VOLUME	LANES			OPPOSIN AND PCE	TOTAL VOLUME	LANE VOLUME	CRITICAL VOLUMES
Northbound	Left	18	Left	1	18	18	18	0
			Thr-Lft	0				
	Through	780	Through	1	1158	1158	1158	
			Thr-Rt	0				1158
	Right	378	Right	0		0	378	
			CODE	1				
Westbound	Left	450	Left	1	450	450	450	450
			Thr-Lft	0				
	Through	147	Through	1	180	180	90	
			Thr-Rt	1				0
	Right	33	Right	0		0	33	
			CODE	2				
Southbound	Left	52	Left	1	249	0	26	26
			Thr-Lft	1				
	Through	796	Through	0	868	1117	372	
			Thr-Rt	1				0
	Right	72	Right	0		0	72	
			CODE	1				
Eastbound	Left	301	Left	1	301	301	301	0
			Thr-Lft	0				
	Through	145	Through	1	188	188	94	
			Thr-Rt	1				94
	Right	43	Right	0		0	43	
			CODE	1				
TOTAL								1728
3 PHASES						CAPACITY		1425
V/C								1.21

APPROACH VOLUMES

Northbound	In	1176	Southbound	In	920
	Out	1289		Out	1114
Westbound	In	630	Eastbound	In	489
	Out	575		Out	237

Roxford @ Encinitas 2005 LLG PM

MINAGAR & ASSOCIATES, INC.

DIRECTION	VOLUME		LANES		OPPOSIN AND PCE	TOTAL VOLUME	LANE VOLUME	CRITICAL VOLUMES
Northbound	Left	49	Left	1	49	49	49	0
			Thr-Lft	0				
	Through	524	Through	1	889	889	889	889
			Thr-Rt	0				
	Right	365	Right	0		0	365	
			CODE	1				
Westbound	Left	474	Left	1	474	474	474	474
			Thr-Lft	0				
	Through	179	Through	1	215	215	108	0
			Thr-Rt	1				
	Right	36	Right	0		0	36	
			CODE	2				
Southbound	Left	46	Left	1	158	0	23	23
			Thr-Lft	1				
	Through	1068	Through	0	1399	1557	519	0
			Thr-Rt	1				
	Right	331	Right	0		0	331	
			CODE	1				
Eastbound	Left	27	Left	1	27	27	27	0
			Thr-Lft	0				
	Through	10	Through	1	69	69	35	59
			Thr-Rt	1				
	Right	59	Right	0		0	59	
			CODE	1				
							TOTAL	1445
3 PHASES							CAPACITY	1425
							V/C	1.01

APPROACH VOLUMES

Northbound	In	938	Southbound	In	1445
	Out	1601		Out	587
Westbound	In	689	Eastbound	In	96
	Out	421		Out	559

SanFernando @ BalboaBlvd 2005 LLG AM .

MINAGAR & ASSOCIATES, INC.

DIRECTION	VOLUME		LANES		OPPOSIN AND PCE	TOTAL VOLUME	LANE VOLUME	CRITICAL VOLUMES
Northbound	Left	306	Left	1	306	306	306	306
			Thr-Lft	0				
	Through	0	Through	1	239	239	239	
			Thr-Rt	0				0
	Right	239	Right	0		0	239	
			CODE	1				
Westbound	Left	84	Left	1	84	84	84	84
			Thr-Lft	0				
	Through	145	Through	2	145	145	73	
			Thr-Rt	0				0
	Right	0	Right	0		0	0	
			CODE	1				
Southbound	Left	0	Left	0	0	0	0	0
			Thr-Lft	0				
	Through	0	Through	0	0	0	0	
			Thr-Rt	0				0
	Right	0	Right	0		0	0	
			CODE	0				
Eastbound	Left	0	Left	0	0	0	0	0
			Thr-Lft	0				
	Through	1286	Through	1	2851	2851	1426	
			Thr-Rt	1				1565
	Right	1565	Right	0		0	1565	
			CODE	1				
TOTAL								1955
2 PHASES								CAPACITY
								1500
								V/C
								1.30

APPROACH VOLUMES

Northbound	In	545	Southbound	In	0
	Out	1649		Out	0
Westbound	In	229	Eastbound	In	2851
	Out	1525		Out	451

SanFernando @ BalboaBlvd 2005 LLG PM.

MINAGAR & ASSOCIATES, INC.

DIRECTION	VOLUME	LANES	OPPOSIN AND PCE	TOTAL VOLUME	LANE VOLUME	CRITICAL VOLUMES
Northbound	Left	1335	Left	1	1335	1335
			Thr-Lft	0		
	Through	0	Through	1	48	48
			Thr-Rt	0		0
	Right	48	Right	0	0	48
			CODE	1		
Westbound	Left	83	Left	1	83	83
			Thr-Lft	0		
	Through	515	Through	2	515	258
			Thr-Rt	0		0
	Right	0	Right	0	0	0
			CODE	1		
Southbound	Left	0	Left	0	0	0
			Thr-Lft	0		
	Through	0	Through	0	0	0
			Thr-Rt	0		0
	Right	0	Right	0	0	0
			CODE	0		
Eastbound	Left	0	Left	0	0	0
			Thr-Lft	0		
	Through	238	Through	1	802	401
			Thr-Rt	1		564
	Right	564	Right	0	0	564
			CODE	1		
TOTAL						1982
2 PHASES						CAPACITY
						1500
V/C						1.32

APPROACH VOLUMES

Northbound	In	1383	Southbound	In	0
	Out	647		Out	0
Westbound	In	598	Eastbound	In	802
	Out	286		Out	1850

Sunshine @ SanFernando 2005 LLG AM .

MINAGAR & ASSOCIATES, INC.

DIRECTION	VOLUME	LANES	OPPOSIN AND PCE	TOTAL VOLUME	LANE VOLUME	CRITICAL VOLUMES
Northbound	Left	59	Left	1	59	59
			Thr-Lft	0		
	Through	354	Through	2	354	177
			Thr-Rt	0		0
	Right	0	Right	0	0	0
			CODE	1		
Westbound	Left	0	Left	0	0	0
			Thr-Lft	0		
	Through	0	Through	0	0	0
			Thr-Rt	0		0
	Right	0	Right	0	0	0
			CODE	0		
Southbound	Left	0	Left	0	0	0
			Thr-Lft	0		
	Through	2539	Through	1	2552	1276
			Thr-Rt	1		1276
	Right	13	Right	0	0	13
			CODE	1		
Eastbound	Left	4	Left	0	4	0
			Thr-Lft	0		
	Through	0	Through	1	62	66
			Thr-Rt	0		66
	Right	62	Right	0	0	62
			CODE	1		
TOTAL						1401
2 PHASES						CAPACITY
						1500
						V/C
						0.93

APPROACH VOLUMES

Northbound	In	413	Southbound	In	2552
	Out	2601		Out	358
Westbound	In	0	Eastbound	In	66
	Out	0		Out	72

Sunshine @ SanFernando 2005 LLG PM .

MINAGAR & ASSOCIATES, INC.

DIRECTION	VOLUME		LANES		OPPOSIN AND PCE	TOTAL VOLUME	LANE VOLUME	CRITICAL VOLUMES
Northbound	Left	12	Left	1	12	12	12	0
			Thr-Lft	0				
	Through	1705	Through	2	1705	1705	853	853
			Thr-Rt	0				
	Right	0	Right	0		0	0	
			CODE	1				
Westbound	Left	0	Left	0	0	0	0	0
			Thr-Lft	0				
	Through	0	Through	0	0	0	0	0
			Thr-Rt	0				
	Right	0	Right	0		0	0	
			CODE	0				
Southbound	Left	0	Left	0	0	0	0	0
			Thr-Lft	0				
	Through	712	Through	1	716	716	358	0
			Thr-Rt	1				
	Right	4	Right	0		0	4	
			CODE	1				
Eastbound	Left	14	Left	0	14	0	14	0
			Thr-Lft	0				
	Through	0	Through	1	20	34	34	34
			Thr-Rt	0				
	Right	20	Right	0		0	20	
			CODE	1				
TOTAL								887
2 PHASES						CAPACITY	1500	
V/C								0.59

APPROACH VOLUMES

Northbound	In	1717	Southbound	In	716
	Out	732		Out	1719
Westbound	In	0	Eastbound	In	34
	Out	0		Out	16

Sierra @ SanFernando 2005 LLG AM

MINAGAR & ASSOCIATES, INC.

DIRECTION	VOLUME		LANES		OPPOSIN AND PCE	TOTAL VOLUME	LANE VOLUME	CRITICAL VOLUMES
Northbound	Left	0	Left	0	0	0	0	0
			Thr-Lft	0				
	Through	149	Through	1	385	149	149	
			Thr-Rt	0				0
Westbound	Right	236	Right	1		236	236	
			CODE	1				
	Left	475	Left	1	475	475	475	475
			Thr-Lft	0				
Southbound	Through	0	Through	1	7	7	7	
			Thr-Rt	0				0
	Right	7	Right	0		0	7	
			CODE	1				
Eastbound	Left	58	Left	1	58	58	58	0
			Thr-Lft	0				
	Through	1493	Through	2	1493	1493	747	
			Thr-Rt	0				747
TOTAL	Right	0	Right	0		0	0	
			CODE	1				
	Left	0	Left	0	0	0	0	0
			Thr-Lft	0				
2 PHASES	Through	0	Through	0	0	0	0	
			Thr-Rt	0				0
	Right	0	Right	0		0	0	
			CODE	0				
TOTAL								1222
CAPACITY								1500
V/C								0.81

APPROACH VOLUMES

Northbound	In	385	Southbound	In	1551
	Out	1968		Out	156
Westbound	In	482	Eastbound	In	0
	Out	294		Out	0

Sierra @ SanFernando 2005 LLG PM

MINAGAR & ASSOCIATES, INC.

DIRECTION	VOLUME		LANES		OPPOSIN AND PCE	TOTAL VOLUME	LANE VOLUME	CRITICAL VOLUMES
Northbound	Left	0	Left	0	0	0	0	0
			Thr-Lft	0				
	Through	850	Through	1	1907	850	850	1057
			Thr-Rt	0				
	Right	1057	Right	1		1057	1057	
			CODE	1				
Westbound	Left	96	Left	1	96	96	96	96
			Thr-Lft	0				
	Through	0	Through	1	16	16	16	0
			Thr-Rt	0				
	Right	16	Right	0		0	16	
			CODE	1				
Southbound	Left	36	Left	1	36	36	36	36
			Thr-Lft	0				
	Through	211	Through	2	211	211	106	0
			Thr-Rt	0				
	Right	0	Right	0		0	0	
			CODE	1				
Eastbound	Left	0	Left	0	0	0	0	0
			Thr-Lft	0				
	Through	0	Through	0	0	0	0	0
			Thr-Rt	0				
	Right	0	Right	0		0	0	
			CODE	0				
TOTAL								1189
2 PHASES								CAPACITY
								1500
								V/C
								0.79

APPROACH VOLUMES

Northbound	In	1907	Southbound	In	247
	Out	307		Out	866
Westbound	In	112	Eastbound	In	0
	Out	1093		Out	0

APPENDIX C

Photos and Photo Logs



MINAGAR & ASSOCIATES, INC.

Sunshine Canyon Landfill Traffic Assessment

Photo Index

Photo No.	Description
1	Roxford St. @ I-5 NB Off-Ramp – Facing North
2	Roxford St. @ I-5 NB Off-Ramp – Facing Northwest
3	Roxford St. @ I-5 NB Off-Ramp – Facing East
4	Roxford St. @ I-5 NB Off-Ramp – Facing Northwest
5	Roxford St. @ I-5 NB Off-Ramp – Facing West
6	Roxford St. @ I-5 NB Off-Ramp – Facing South
7	Roxford St. @ I-5 NB Off-Ramp – Facing South
8	Roxford St. @ I-5 NB Off-Ramp – Facing South
9	Roxford St. @ I-5 NB Off-Ramp – Facing Southeast
10	Roxford St. @ I-5 NB Off-Ramp – Facing South
11	Roxford St. @ I-5 NB Off-Ramp – Facing Southwest
12	Roxford St. @ I-5 NB Off-Ramp – Facing East
13	Roxford St. @ I-5 NB Off-Ramp – Facing East
14	Roxford St. @ I-5 NB Off-Ramp – Facing Northeast
15	Balboa Rd. @ San Fernando Rd. – Facing North
16	Balboa Rd. @ San Fernando Rd. – Facing North
17	Balboa Rd. @ San Fernando Rd. – Facing Northwest
18	Balboa Rd. @ San Fernando Rd. – Facing West
19	Balboa Rd. @ San Fernando Rd. – Facing South
20	Balboa Rd. @ San Fernando Rd. – Facing North
21	Balboa Rd. @ San Fernando Rd. – Facing South
22	Balboa Rd. @ San Fernando Rd. – Facing East
23	Balboa Rd. @ San Fernando Rd. – Facing East
24	Balboa Rd. @ San Fernando Rd. – Facing Northeast
25	Balboa Rd. @ San Fernando Rd. – Facing Northeast
26	I-5 SB Off-Ramp @ San Fernando Rd. – Facing South
27	I-5 SB Off-Ramp @ San Fernando Rd. – Facing North
28	I-5 SB Off-Ramp @ San Fernando Rd. – Facing West
29	I-5 SB Off-Ramp @ San Fernando Rd. – Facing South
30	I-5 SB Off-Ramp @ San Fernando Rd. – Facing South
31	I-5 SB Off-Ramp @ San Fernando Rd. – Facing Southeast
32	I-5 SB Off-Ramp @ San Fernando Rd. – Facing North
33	Sunshine Canyon @ San Fernando Rd. – Facing South
34	Sunshine Canyon @ San Fernando Rd. – Facing South
35	Sunshine Canyon @ San Fernando Rd. – Facing South
36	Sunshine Canyon @ San Fernando Rd. – Facing South
37	Sunshine Canyon @ San Fernando Rd. – Facing West
38	Sunshine Canyon @ San Fernando Rd. – Facing West
39	Sunshine Canyon @ San Fernando Rd. – Facing West
40	Sunshine Canyon @ San Fernando Rd. – Facing Northwest
41	Sunshine Canyon @ San Fernando Rd. – Facing North
42	Sunshine Canyon @ San Fernando Rd. – Facing South
43	Sunshine Canyon @ San Fernando Rd. – Facing South
44	Sunshine Canyon @ San Fernando Rd. – Facing Southeast
45	Sunshine Canyon @ San Fernando Rd. – Facing West

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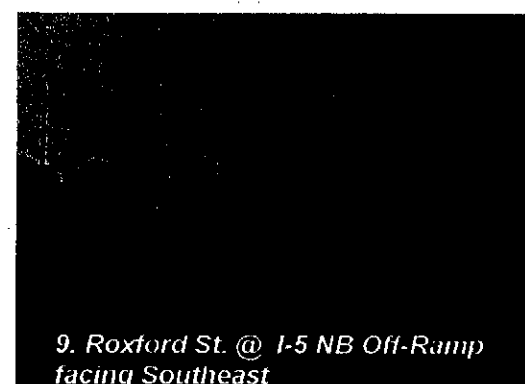
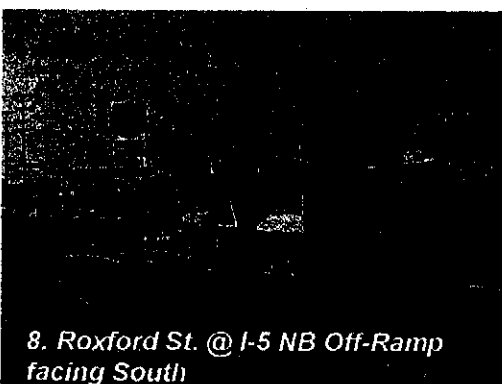
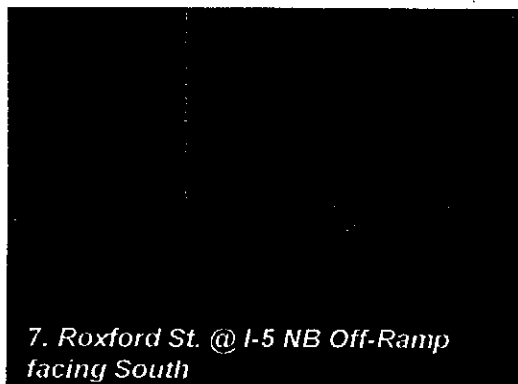
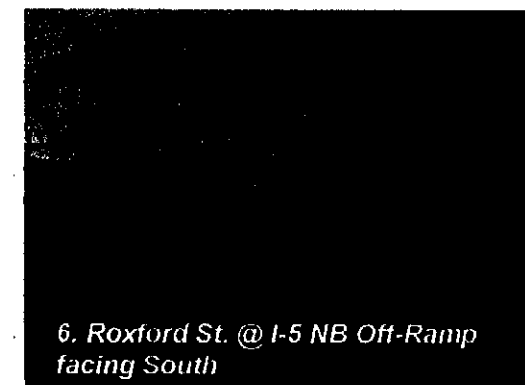
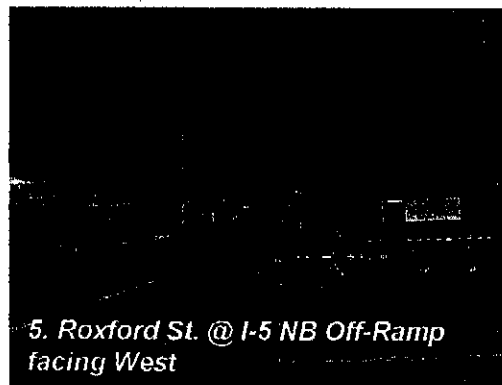
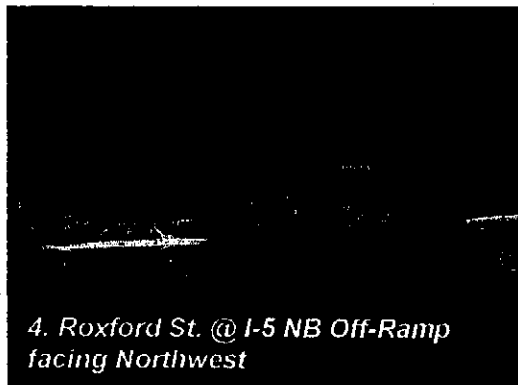
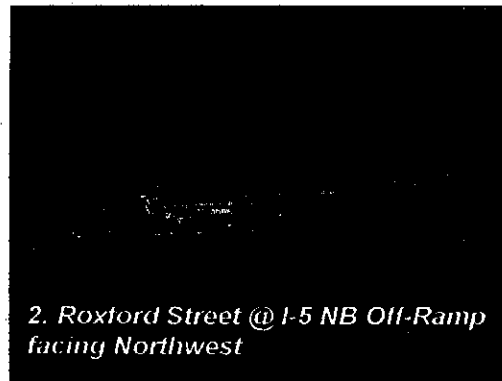
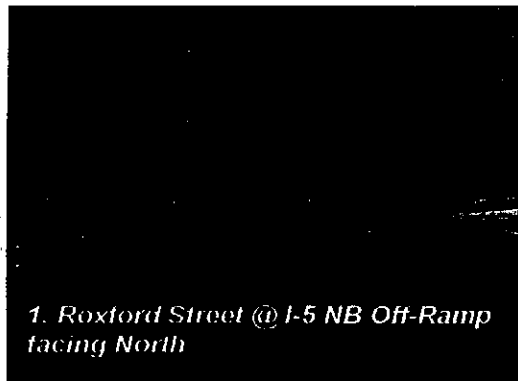
Sunshine Canyon Landfill Traffic Assessment

Photo Index

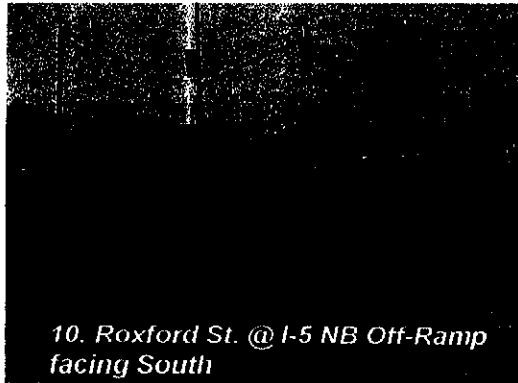
Photo No.	Description
46	Sunshine Canyon @ San Fernando Rd. – Facing East
47	Sunshine Canyon @ San Fernando Rd. – Facing East
48	Sunshine Canyon @ San Fernando Rd. – Facing South
49	Sunshine Canyon @ San Fernando Rd. – Facing North
50	Sierra Hwy. @ San Fernando Rd./The Old Rd. – Facing West
51	Sierra Hwy. @ San Fernando Rd./The Old Rd. – Facing West
52	Sierra Hwy. @ San Fernando Rd./The Old Rd. – Facing West
53	Sierra Hwy. @ San Fernando Rd./The Old Rd. – Facing North
54	Sierra Hwy. @ San Fernando Rd./The Old Rd. – Facing South
55	Sierra Hwy. @ San Fernando Rd./The Old Rd. – Facing Southeast
56	Sierra Hwy. @ San Fernando Rd./The Old Rd. – Facing South
57	Sierra Hwy. @ San Fernando Rd./The Old Rd. – Facing Northeast
58	Sierra Hwy. @ San Fernando Rd./The Old Rd. – Facing Northeast
59	Sierra Hwy. @ San Fernando Rd./The Old Rd. – Facing North
60	Sierra Hwy. @ San Fernando Rd./The Old Rd. – Facing East
61	Roxford St. @ I-5 SB Off-Ramp – Facing West
62	Roxford St. @ I-5 SB Off-Ramp – Facing North
63	Roxford St. @ I-5 SB Off-Ramp – Facing West
64	Roxford St. @ I-5 SB Off-Ramp – Facing Northwest
65	Roxford St. @ I-5 SB Off-Ramp – Facing East
66	Roxford St. @ I-5 SB Off-Ramp – Facing Southeast
67	Roxford St. @ I-5 SB Off-Ramp – Facing East
68	Roxford St. @ I-5 SB Off-Ramp – Facing Northeast
69	Roxford St. @ I-5 SB Off-Ramp – Facing Northeast
70	Roxford St. @ I-5 SB Off-Ramp – Facing South
71	Roxford St. @ I-5 SB Off-Ramp – Facing North
72	Roxford St. @ I-5 SB Off-Ramp – Facing South
73	Roxford St. @ I-5 SB Off-Ramp – Facing South
74	Roxford St. @ I-5 SB Off-Ramp – Facing South
75	Roxford St. @ I-5 SB Off-Ramp – Facing North
76	Roxford St. @ I-5 SB Off-Ramp – Facing South
77	Roxford St. @ I-5 SB Off-Ramp – Facing South
78	Roxford St. @ I-5 SB Off-Ramp – Facing South



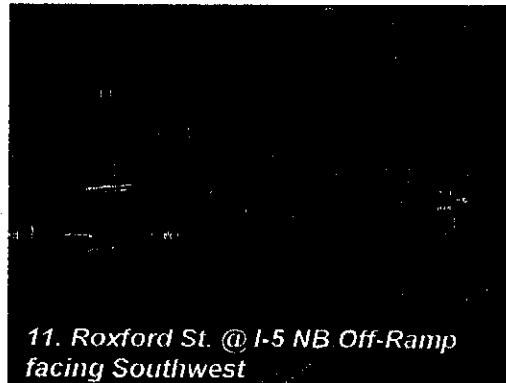
Sunshine Canyon Landfill Traffic Assessment



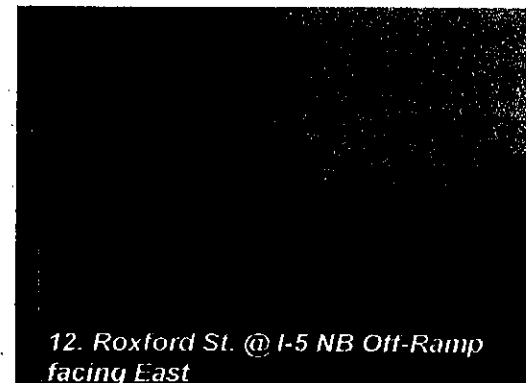
Sunshine Canyon Landfill Traffic Assessment



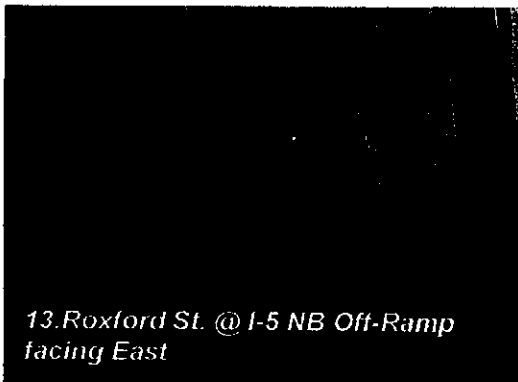
10. Roxford St. @ I-5 NB Off-Ramp
facing South



11. Roxford St. @ I-5 NB Off-Ramp
facing Southwest



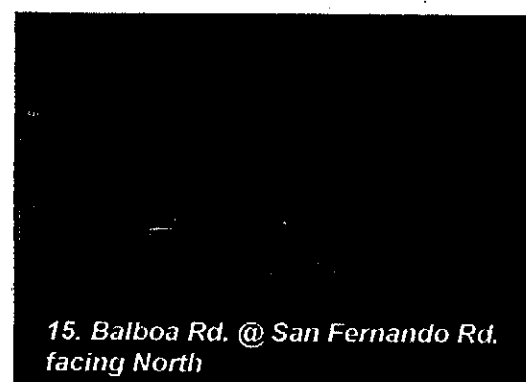
12. Roxford St. @ I-5 NB Off-Ramp
facing East



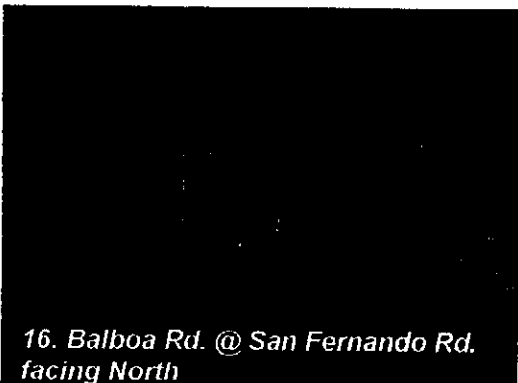
13. Roxford St. @ I-5 NB Off-Ramp
facing East



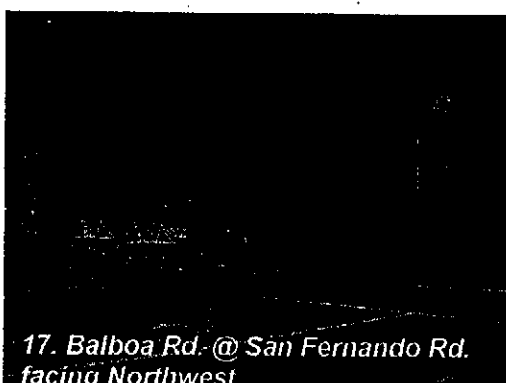
14. Roxford St. @ I-5 Off-Ramp
facing Northeast



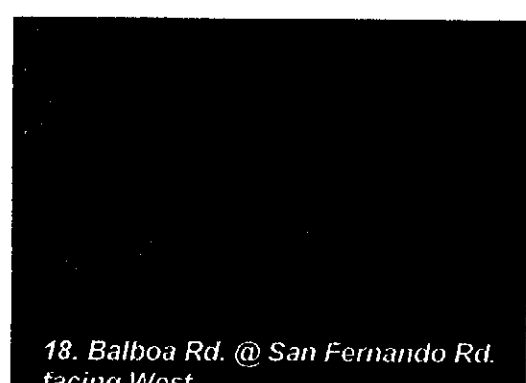
15. Balboa Rd. @ San Fernando Rd.
facing North



16. Balboa Rd. @ San Fernando Rd.
facing North



17. Balboa Rd. @ San Fernando Rd.
facing Northwest



18. Balboa Rd. @ San Fernando Rd.
facing West

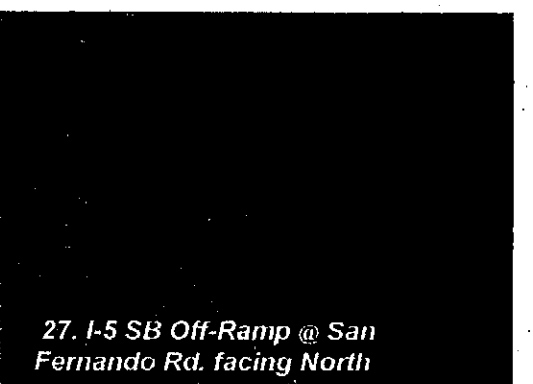
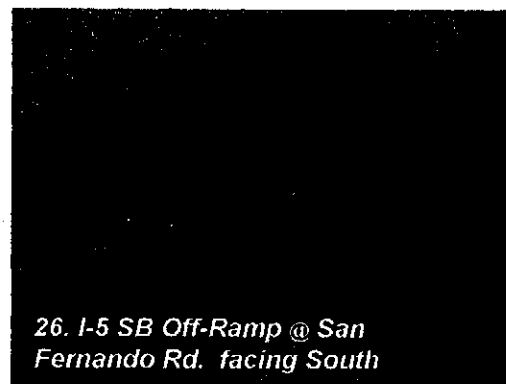
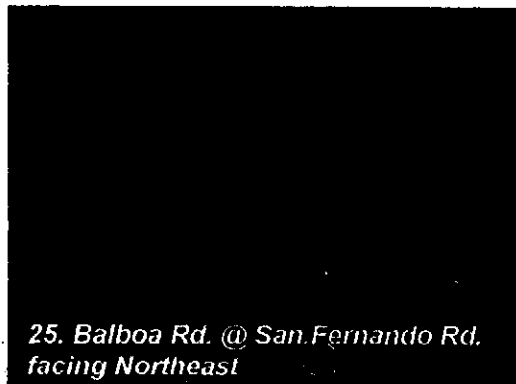
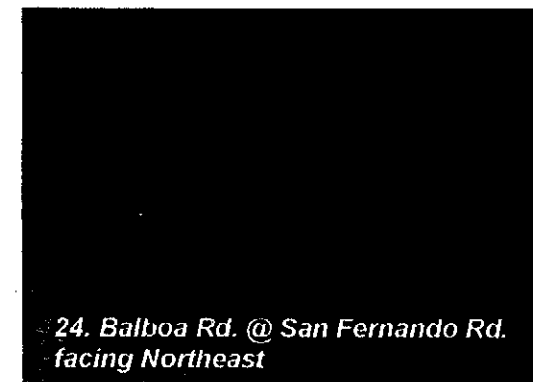
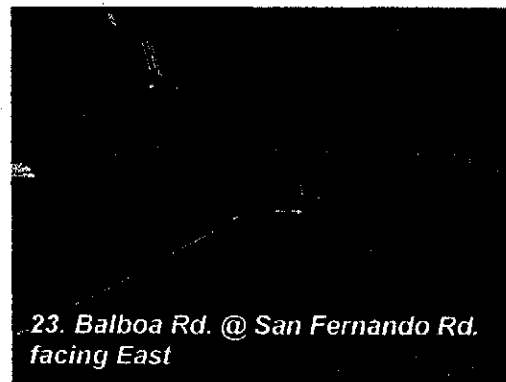
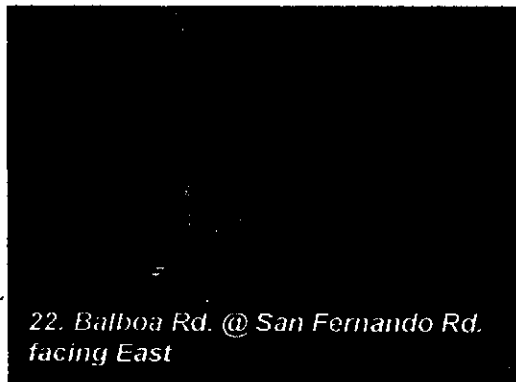
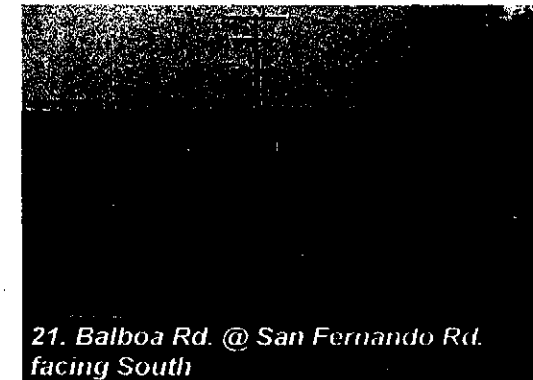
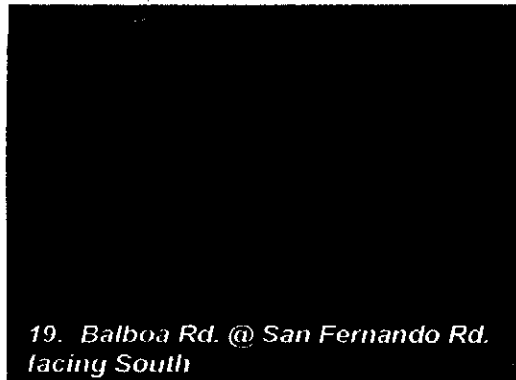


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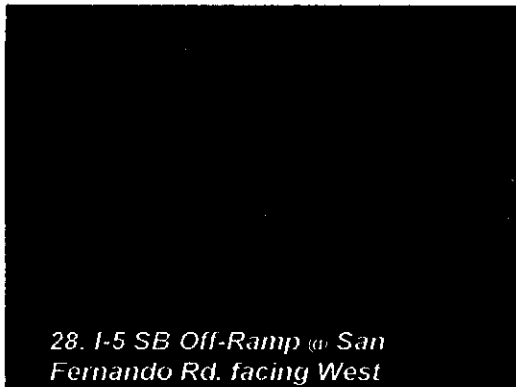
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Sunshine Canyon Landfill Traffic Assessment



Sunshine Canyon Landfill Traffic Assessment



28. I-5 SB Off-Ramp @ San Fernando Rd. facing West



29. I-5 SB Off-Ramp @ San Fernando Rd. facing South



30. I-5 SB Off-Ramp @ San Fernando Rd. facing South



31. I-5 SB Off-Ramp @ San Fernando Rd. facing Southeast



32. I-5 SB Off-Ramp @ San Fernando Rd. facing North



33. Sunshine Canyon @ San Fernando Rd. facing South



34. Sunshine Canyon @ San Fernando Rd. facing South



35. Sunshine Canyon @ San Fernando Rd. facing South



36. Sunshine Canyon @ San Fernando Rd. facing South

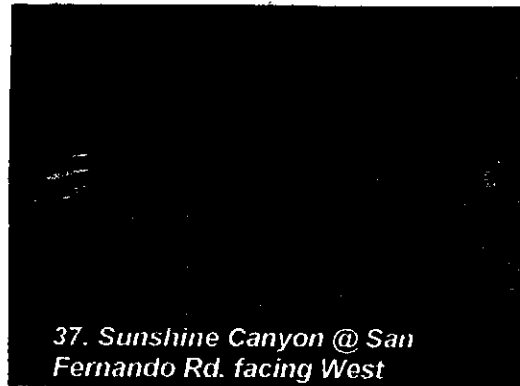


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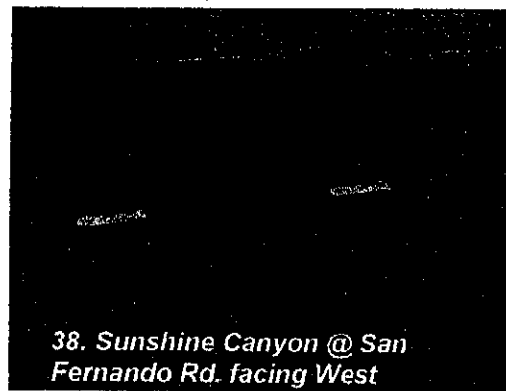
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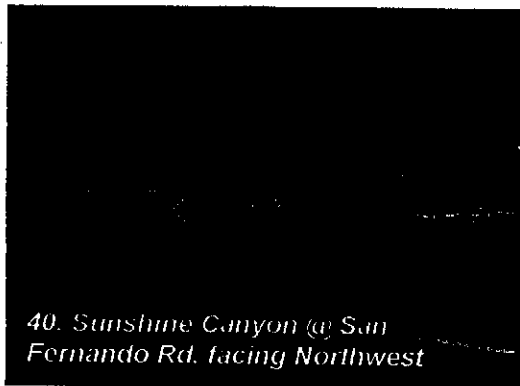
37. Sunshine Canyon @ San Fernando Rd. facing West



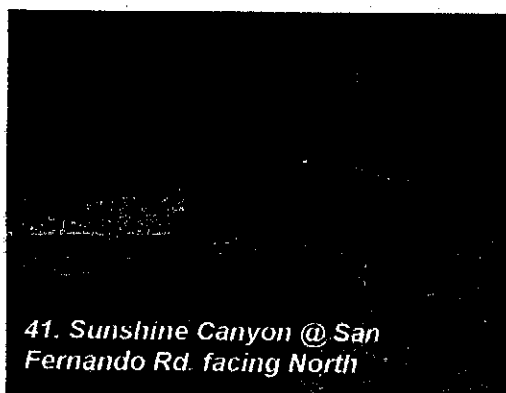
38. Sunshine Canyon @ San Fernando Rd. facing West



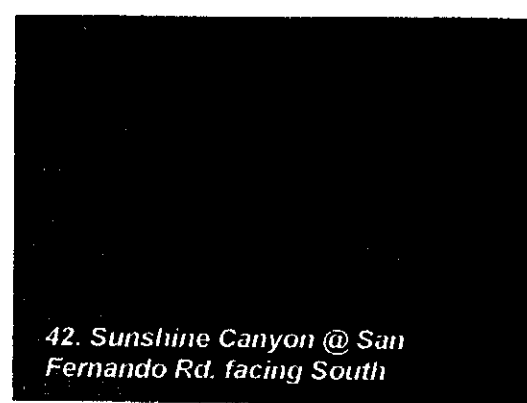
39. Sunshine Canyon @ San Fernando Rd. facing West



40. Sunshine Canyon @ San Fernando Rd. facing Northwest



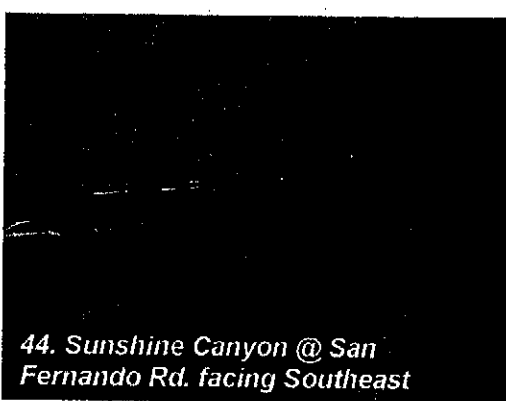
41. Sunshine Canyon @ San Fernando Rd. facing North



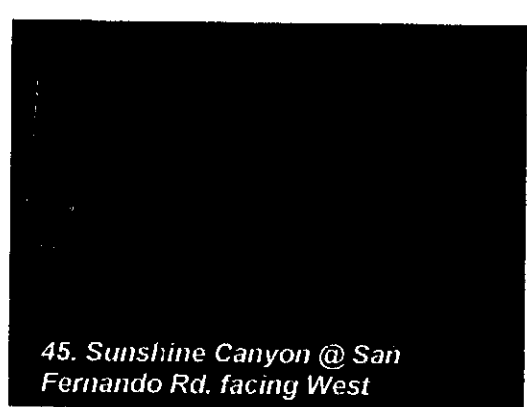
42. Sunshine Canyon @ San Fernando Rd. facing South



43. Sunshine Canyon @ San Fernando Rd. facing South



44. Sunshine Canyon @ San Fernando Rd. facing Southeast



45. Sunshine Canyon @ San Fernando Rd. facing West

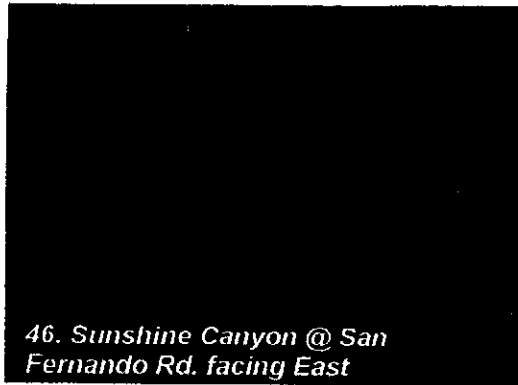


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Sunshine Canyon Landfill Traffic Assessment



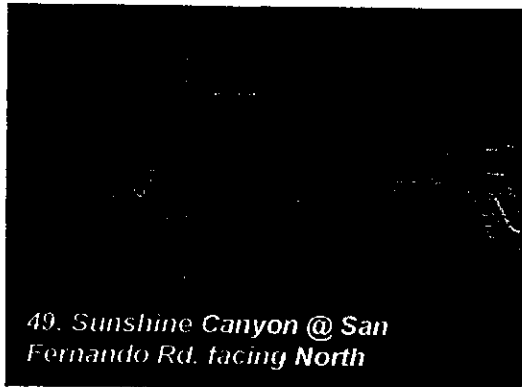
46. Sunshine Canyon @ San Fernando Rd. facing East



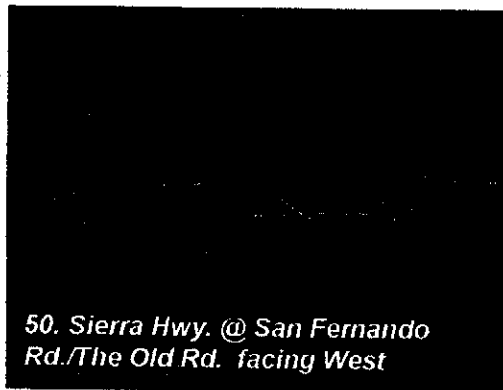
47. Sunshine Canyon @ San Fernando Rd. facing East



48. Sunshine Canyon @ San Fernando Rd. facing South



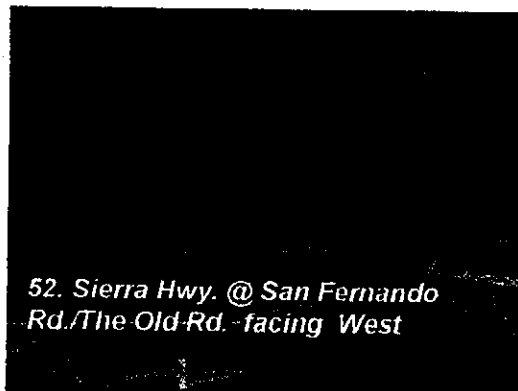
49. Sunshine Canyon @ San Fernando Rd. facing North



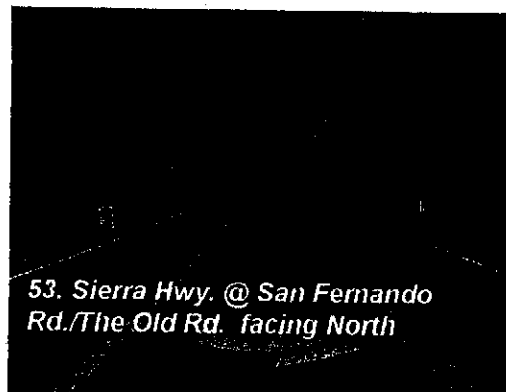
50. Sierra Hwy. @ San Fernando Rd./The Old Rd. facing West



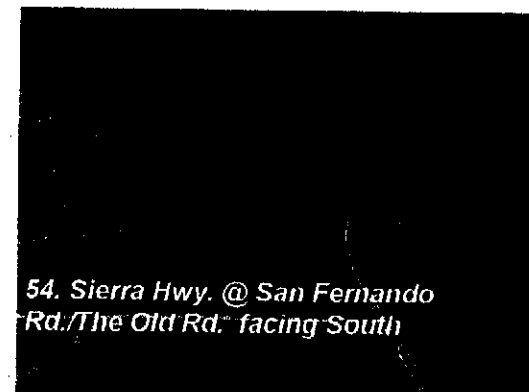
51. Sierra Hwy. @ San Fernando Rd./The Old Rd. facing West



52. Sierra Hwy. @ San Fernando Rd./The Old Rd. facing West

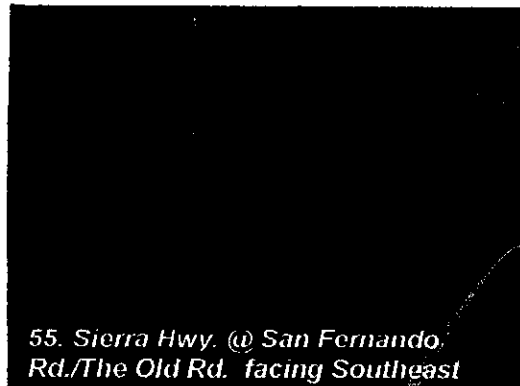


53. Sierra Hwy. @ San Fernando Rd./The Old Rd. facing North

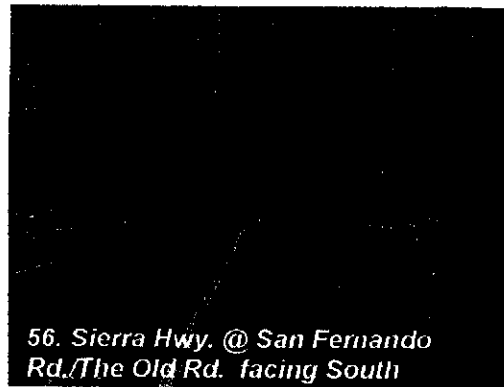


54. Sierra Hwy. @ San Fernando Rd./The Old Rd. facing South

Sunshine Canyon Landfill Traffic Assessment



55. Sierra Hwy. @ San Fernando Rd./The Old Rd. facing Southeast



56. Sierra Hwy. @ San Fernando Rd./The Old Rd. facing South



57. Sierra Hwy. @ San Fernando Rd./The Old Rd. facing Northeast



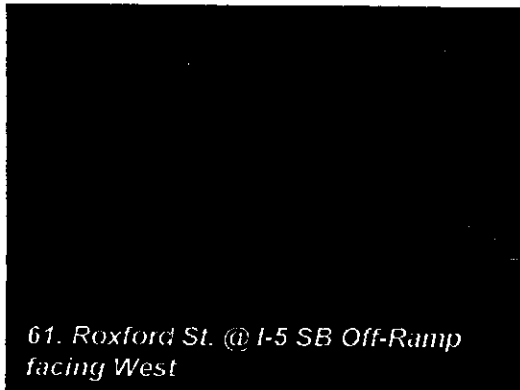
58. Sierra Hwy. @ San Fernando Rd./The Old Rd. facing Northeast



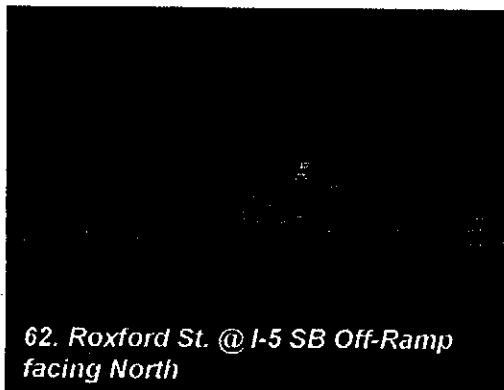
59. Sierra Hwy. @ San Fernando Rd./The Old Rd. facing North



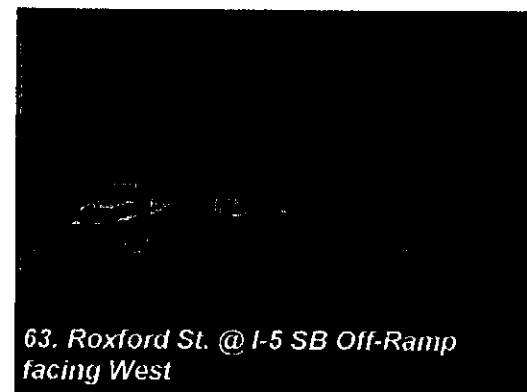
60. Sierra Hwy. @ San Fernando Rd./The Old Rd. facing East



61. Roxford St. @ I-5 SB Off-Ramp facing West



62. Roxford St. @ I-5 SB Off-Ramp facing North



63. Roxford St. @ I-5 SB Off-Ramp facing West

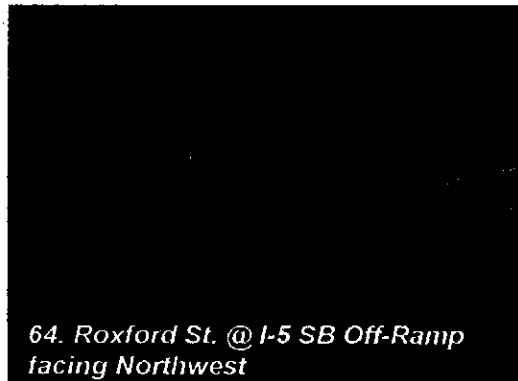


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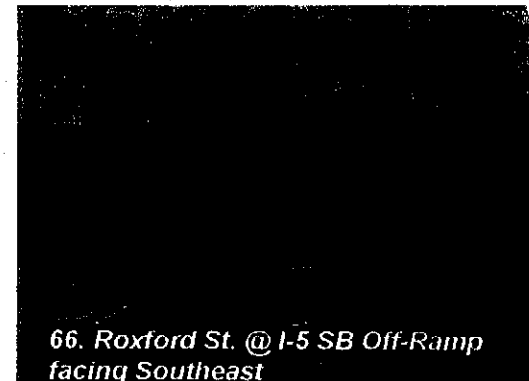
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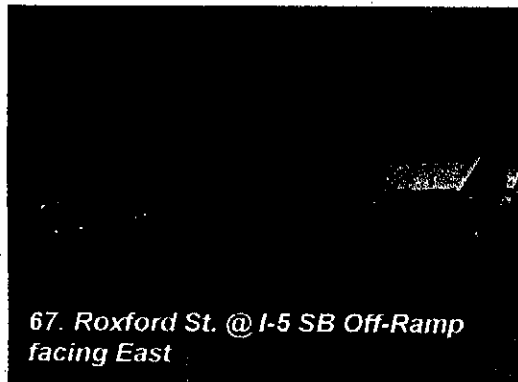
64. Roxford St. @ I-5 SB Off-Ramp
facing Northwest



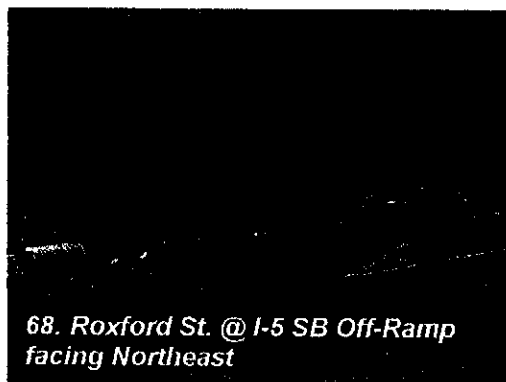
65. Roxford St. @ I-5 SB Off-Ramp
facing East



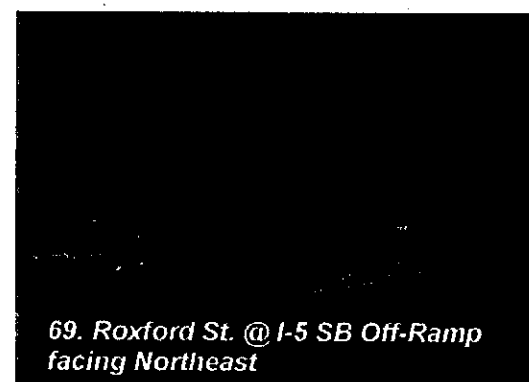
66. Roxford St. @ I-5 SB Off-Ramp
facing Southeast



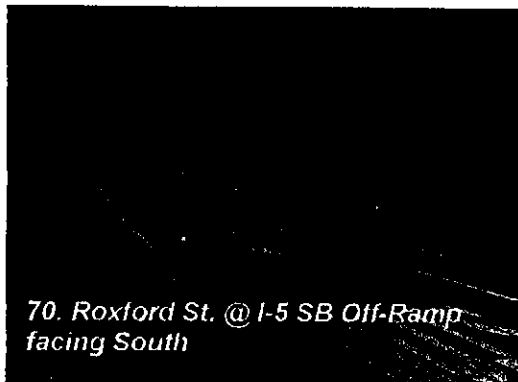
67. Roxford St. @ I-5 SB Off-Ramp
facing East



68. Roxford St. @ I-5 SB Off-Ramp
facing Northeast



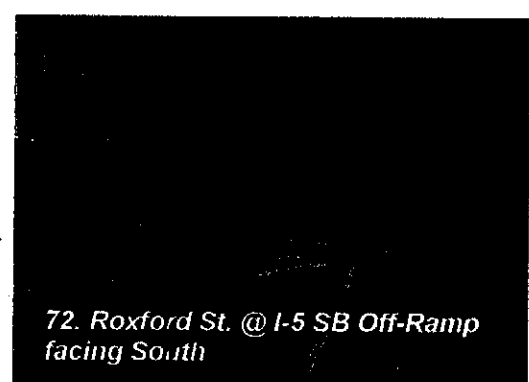
69. Roxford St. @ I-5 SB Off-Ramp
facing Northeast



70. Roxford St. @ I-5 SB Off-Ramp
facing South



71. Roxford St. @ I-5 SB Off-Ramp
facing North



72. Roxford St. @ I-5 SB Off-Ramp
facing South



MINAGAR & ASSOCIATES, INC.

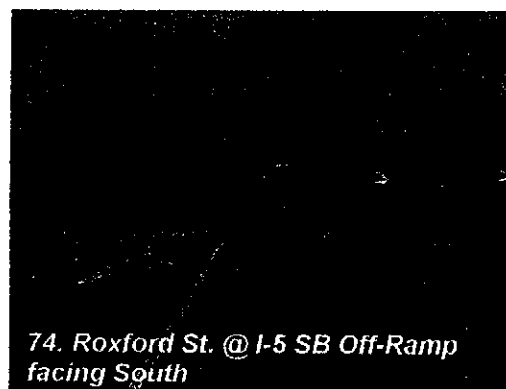
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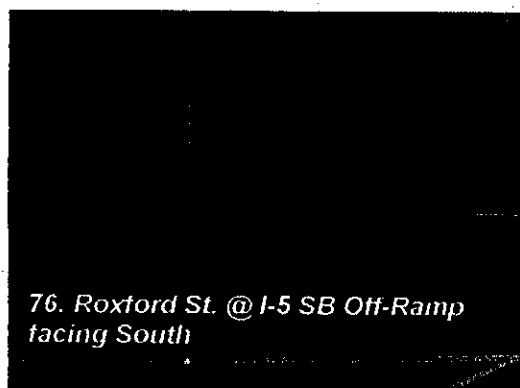
73. Roxford St. @ I-5 SB Off-Ramp
facing South



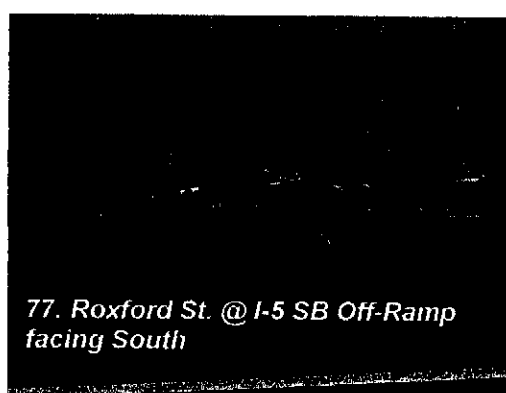
74. Roxford St. @ I-5 SB Off-Ramp
facing South



75. Roxford St. @ I-5 Off-Ramp
facing North



76. Roxford St. @ I-5 SB Off-Ramp
facing South



77. Roxford St. @ I-5 SB Off-Ramp
facing South



78. Roxford St. @ I-5 SB Off-Ramp
facing South



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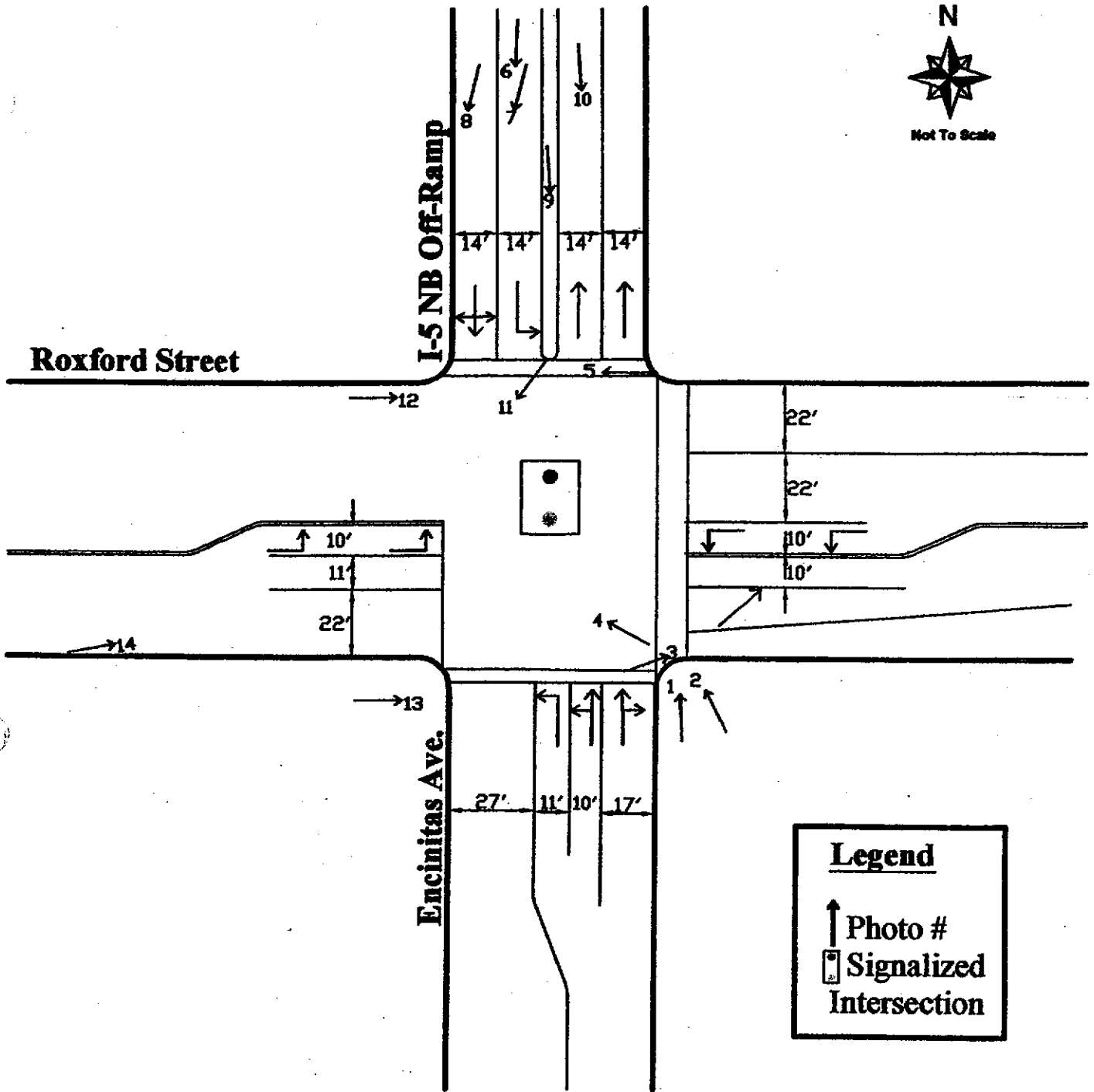


Photo Log 1
Roxford St. @ I-5 NB Off-Ramp/Encinitas Ave.

MINAGAR & ASSOCIATES, INC.
 TRAFFIC ENGINEERING-TRANSPORTATION PLANNING-CIVIL
 18662 MacArthur Blvd., Suite 435, AIRPORT BUSINESS CENTER
 Irvine, CA 92612



Sunshine Canyon Landfill
Traffic Assessment
 Altshuler Berzon, Nussbaum,
 Rubin & Demain

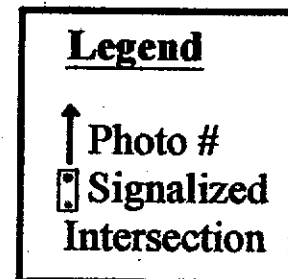
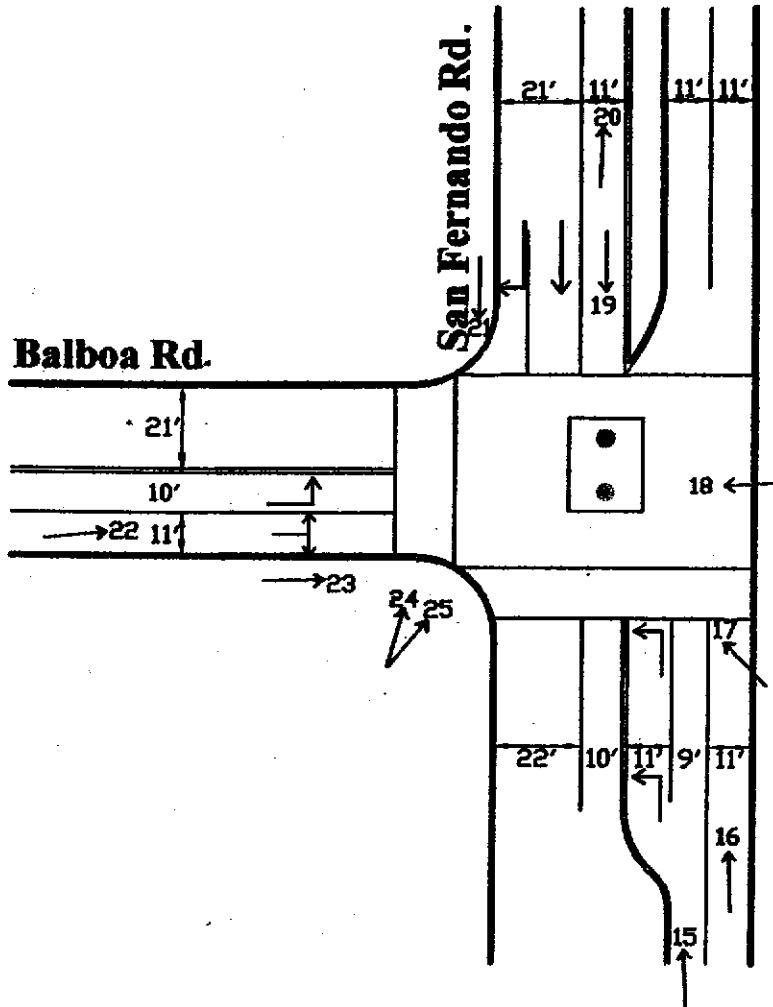


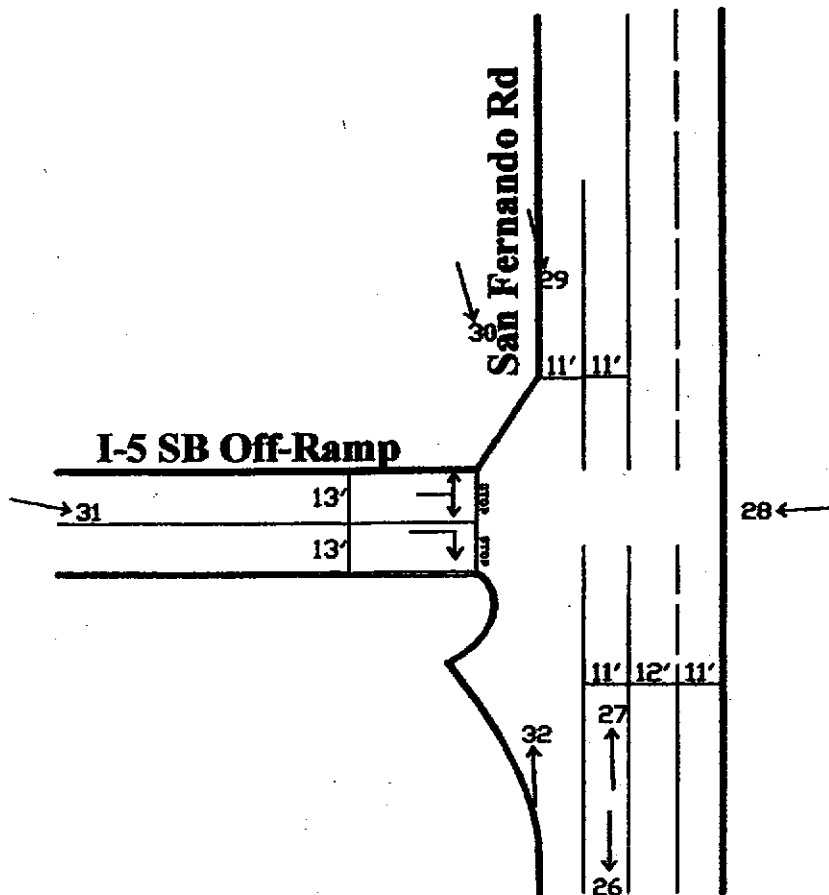
Photo Log 2
Balboa Rd. @ San Fernando Rd.

MINAGAR & ASSOCIATES, INC.

ITS-TRAFFIC ENGINEERING-TRANSPORTATION PLANNING-CIVIL
18662 MacArthur Blvd., Suite 435, AIRPORT BUSINESS CENTER
Irvine, CA 92612



**Sunshine Canyon Landfill
Traffic Assessment**
*Altshuler Berzon, Nussbaum,
Rubin & Demain*



Legend

↑ Photo #

Photo Log 3
I-5 SB Off-Ramp @ San Fernando Rd

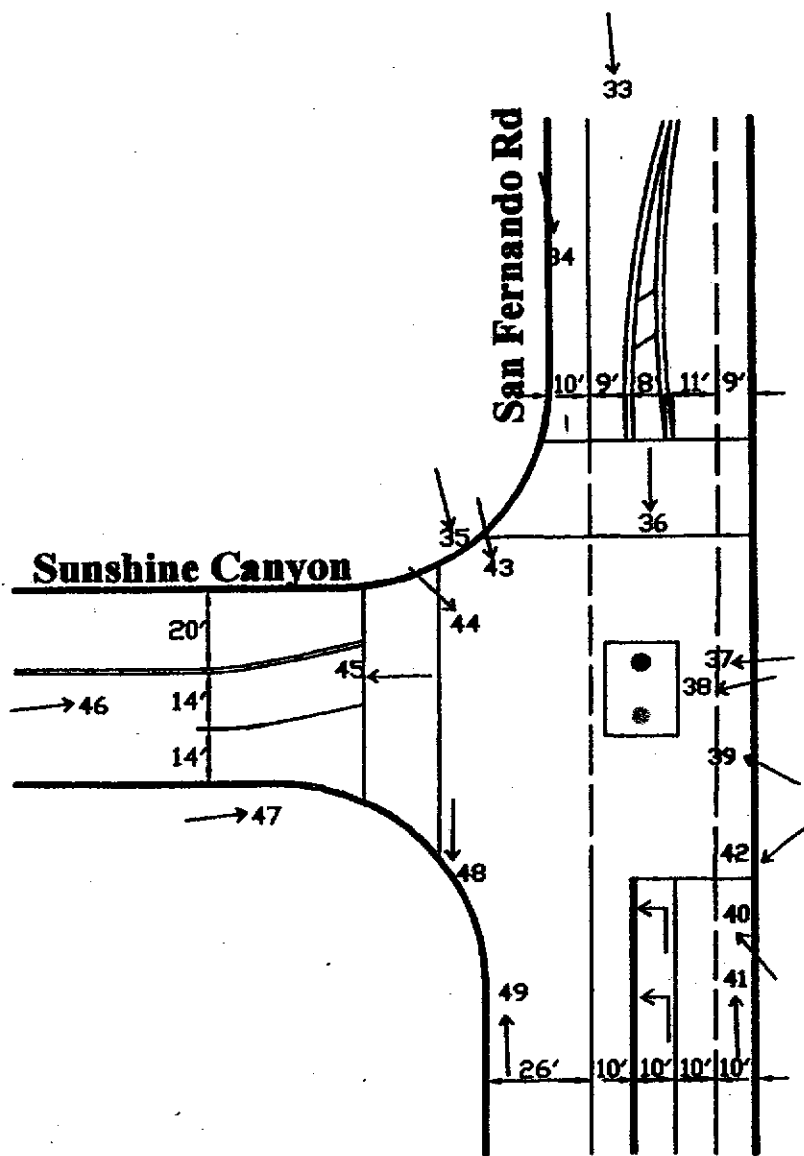
MINAGAR & ASSOCIATES, INC.

ITS-TRAFFIC ENGINEERING-TRANSPORTATION PLANNING-CIVIL
 28662 MacArthur Blvd, Suite 435, AIRPORT BUSINESS CENTER
 Irvine, CA 92612



Sunshine Canyon Landfill
Traffic Assessment

Altshuler Berzon, Nussbaum,
Rubin & Demain



Legend

- ↑ Photo #
- ☐ Signalized Intersection

Photo Log 4
Sunshine Canyon @ San Fernando Rd.

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Sunshine Canyon Landfill Traffic Assessment

Altshuler Berzon, Nussbaum,
Rubin & Demain

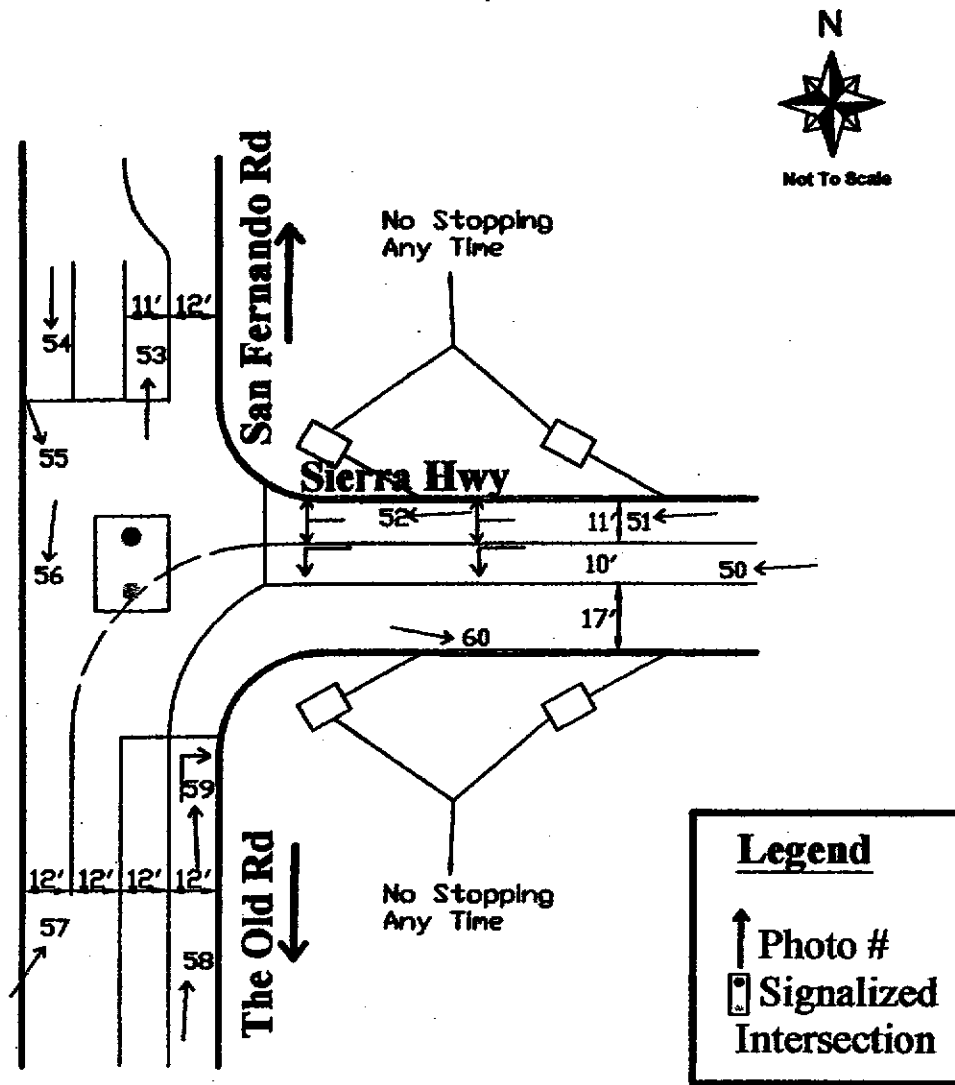


Photo Log 5
Sierra Hwy. @ San Fernando Rd./The Old Rd.

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**Sunshine Canyon Landfill
Traffic Assessment**

*Altshuler Berzon, Nussbaum,
Rubin & Dornain*

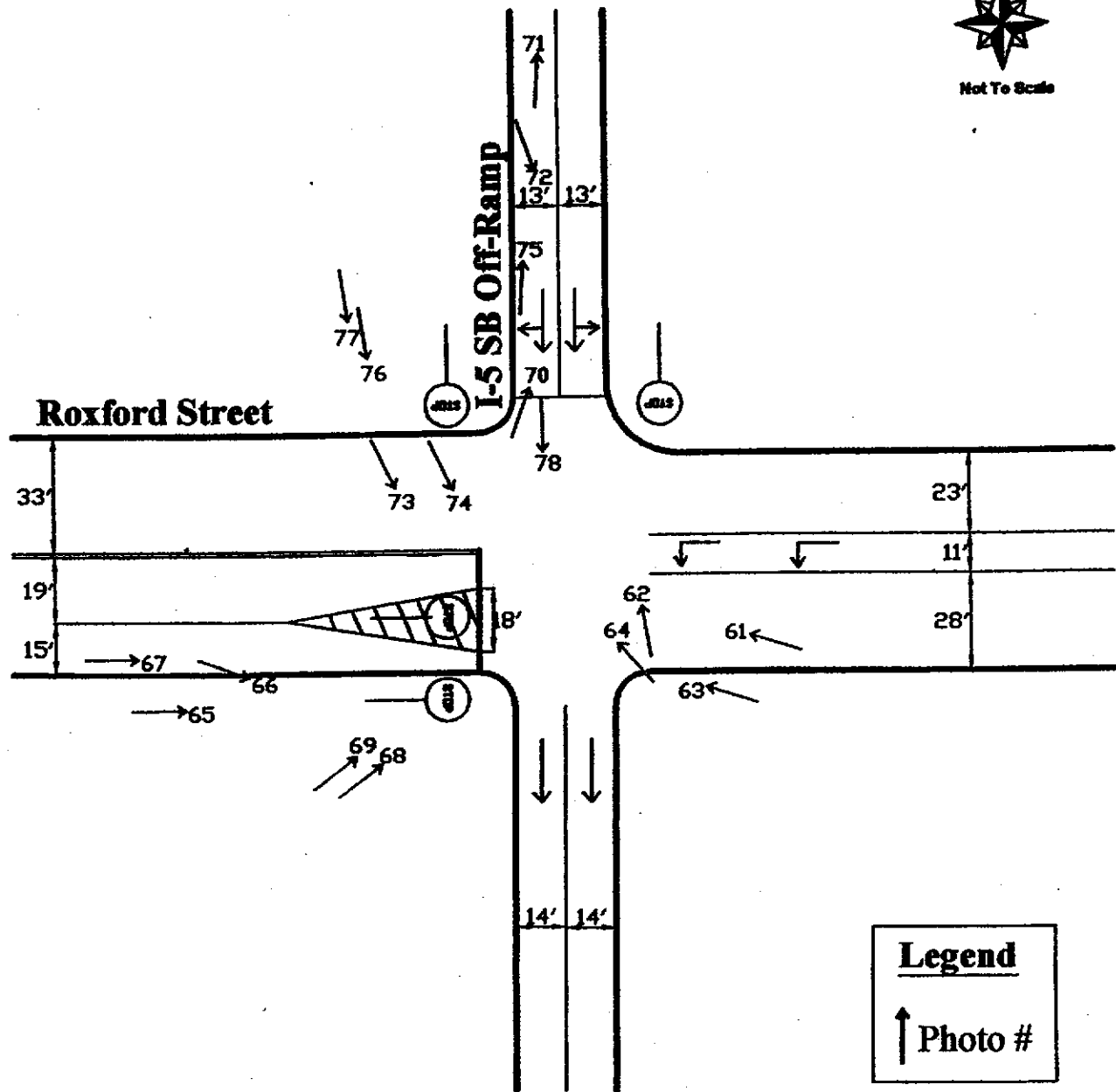


Photo Log 6
Roxford St. @ I-5 SB Off-Ramp

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Irvine, CA 92612



**Sunshine Canyon Landfill
Traffic Assessment**
*Altshuler, Berzon, Nussbaum,
Rubin & Demain*

NVC EXHIBIT

B1



COUNTY OF LOS ANGELES
DEPARTMENT OF HEALTH SERVICES
Public Health

THOMAS L. CARTHWAITE, M.D.
Director of Health Services and Chief Medical Officer

JONATHAN E. FIELDING, M.D., M.P.H.
Director of Public Health and Health Officer

Environmental Health
ARTURO AGUIRRE, R.E.H.S., M.A.
Director of Environmental Health

Bureau of Environmental Protection
Ken Murray, Chief
Solid Waste Management Program/L.A. County LEA
5834 Commerce Drive Baldwin Park, California 91706-1423
TEL (626) 430-5544 • FAX (626) 813-3022
www.lapublichealth.org/eh



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Tyanna Brathwaite Burke
Second District

Zev Yaroslavsky
Third District

Don Knabe
Fourth District

Michael B. Anderson
Fifth District

FACSIMILE COVER SHEET

DATE 10/05/05
TO: Wayde Hunter
SUBJECT: Freedom of Information Act Request
FAX NUMBER: (818) 368-5818
OF PAGES TO BE FAXED: 16 with cover

COMMENTS:

Mr. Hunter:

*I am sending you the documented communications
THAT involved the approval of C&D tailings for
ADC at Sunshine Cyn., AND the application AND
Accompanying cover letter FROM the operator (BFI).
I don't have any documentation of conversations
involving the approval.*

FROM THE DESK OF: Ken Murray (626) 430- 5550

OUR FAX NUMBER IS: (626) 813-3022



**COUNTY OF LOS ANGELES
DEPARTMENT OF HEALTH SERVICES
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Michael D. Antonovich
Fifth District

August 12, 2005

Frank Kiesler
General Manager
Browning-Ferris Industries
14747 San Fernando Road
Sylmar, CA 91342-1091

Dear Mr. Kiesler,

**REPORT OF DISPOSAL SITE INFORMATION (RDSI) AMENDMENT
APPLICATION, SUNSHINE CANYON LANDFILL COUNTY EXTENSION
SWFP#19-AA-0853**

The Solid Waste Management Program has accepted an amendment to the Report of Disposal Site Information (RDSI) for the subject facility. The amendment package was re-submitted to our office on August 3, 2005 and includes a RDSI amendment application and pages titled "ALTERNATIVE DAILY COVER(S)". This office has reviewed the facility operator's Alternative Daily Cover(s) procedures as described in the amendment package and has determined the following.

1. The amendment is consistent with Environmental Impact Report, State Clearing-house No. 897120, approved by the Los Angeles Board of Supervisors on November 30, 1993 for the subject property.
2. The amendment is acceptable and consistent with State Minimum Standards and Financial Assurances and Operating Liability criteria required by Title 27 of the California Code of Regulations.
3. The amendment is consistent with the terms and conditions of the current SWFP for the subject property.

Mr. Frank Kiesler
August 12, 2005
Page 2

The use of processed Construction and Demolition (C&D) materials has been added as an approved Alternative Daily Cover (ADC) so long as it complies with the requirements as set forth in Title 27 California Code of Regulations (CCR) Section 20680-Daily Cover and Section 20690(9)-Alternative Daily Cover.

If it is determined by the Enforcement Agency (EA) that the use of ADC is not meeting the requirements of these sections, enforcement action may include, but not limited to the suspension of ADC as daily cover pursuant to 27CCR Section 20690(a)(4).

If you have any questions, please contact me at (818) 833-6523

Very truly yours,



Gerry Villalobos
Environmental Health Specialist IV

C: William Marciniak, CIWMB
file: SWMP

APPLICATION FOR SOLID WASTE FACILITY PERMIT/WASTE DISCHARGE REQUIREMENTS

CMMB S-1-77 Rev. 9-00

NOTE: This form has been developed for multiple uses. It is the transmittal sheet for documents required to be submitted to the appropriate agency. Please refer to the attached instructions for definitions of terms and for completing this application form in a complete and correct manner.

FOR OFFICIAL USE ONLY

OWS NUMBER: 19-AA-0853	FILING FEE:	RECEIPT NUMBER:	DATE RECEIVED: 8-3-2005
DATE ACCEPTED: 8-12-2005	DATE REJECTED: 8/12/05	ACCEPTANCE DATE OF INCOMPLETE APPLICATION:	DATE DUE:

Part 1. GENERAL INFORMATION

A. ENFORCEMENT AGENCY: County of Los Angeles Department of Health Services	B. COUNTY: Los Angeles
C. TYPE OF APPLICATION (Check one box only):	
<input type="checkbox"/> 1. NEW SWPP and/or WORS	<input type="checkbox"/> 4. PERMIT REVIEW
<input type="checkbox"/> 2. REVISION OF SWPP and/or WORS	<input checked="" type="checkbox"/> 5. AMENDMENT OF APPLICATION
<input type="checkbox"/> 3. EXEMPTION and/or WAIVER	<input type="checkbox"/> 6. RENEWAL/JOINT AMENDMENTS

Part 2. FACILITY DESCRIPTION

A. NAME OF FACILITY:

Sunshine Canyon Sanitary Landfill Extension

B. LOCATION OF FACILITY:

1. PHYSICAL ADDRESS OR LOCATION AND ZIP CODE:

14747 San Fernando Road, Sylmar, CA 91342-1091

2. LATITUDE AND LONGITUDE:
LAT 34 19 45 LONG 118 30 30

3. LEGAL DESCRIPTION OF PERMITTED BOUNDARY BY SECTION, TOWNSHIP, RANGE, BASE, AND MERIDIAN, IF SURVEYED:

Section 23, 24, 25, 26, T3N, R18W, S8 B&M Assessors Parcel Number 2601-011-010, Tract 10422, Lot 9

C. TYPE OF ACTIVITY: (Check applicable boxes):

<input checked="" type="checkbox"/> 1. DISPOSAL a. TYPE: <u>Municipal Solid Waste</u>	<input type="checkbox"/> 3. TRANSFORMATION	<input type="checkbox"/> 5. OTHER (describe): _____
<input type="checkbox"/> 2. COMPOSTING a. TYPE: _____	<input type="checkbox"/> 4. TRANSFER/PROCESSING FACILITY	
<input type="checkbox"/> CHECK HERE IF RECYCLABLE MATERIALS ARE RECOVERED PRIOR TO TRANSFER/PROCESSING.		

D. CONFORMANCE FINDING INFORMATION (CIWMP):

☒ 1. FACILITY IS IDENTIFIED IN (check one):

<input checked="" type="checkbox"/> SITING ELEMENT	DATE OF DOCUMENT <u>21-Sep-04</u>	PAGE # <u>30</u>
<input type="checkbox"/> NONDISPOSAL FACILITY ELEMENT	DATE OF DOCUMENT _____	PAGE # _____

☐ 2. FACILITY IS NOT REQUIRED TO BE IDENTIFIED IN SITING ELEMENT OR NONDISPOSAL FACILITY ELEMENT

E. TYPE OF PERMITTED WASTES TO BE RECEIVED: (Check applicable boxes):

<input type="checkbox"/> 1. AGRICULTURAL	<input checked="" type="checkbox"/> 6. CONSTRUCTION/DEMOLITION	<input type="checkbox"/> 11. LIQUIDS
<input type="checkbox"/> 2. ASBESTOS <input type="checkbox"/> Friable <input type="checkbox"/> Non-Friable	<input type="checkbox"/> 7. CONTAMINATED SOILS	<input checked="" type="checkbox"/> 12. MIXED/MUNICIPAL SOLID WASTE
<input type="checkbox"/> 3. ASH	<input type="checkbox"/> 8. DEAD ANIMALS	<input type="checkbox"/> 13. SEWAGE SLUDGE
<input type="checkbox"/> 4. AUTO SHREDDER	<input checked="" type="checkbox"/> 9. INDUSTRIAL	<input type="checkbox"/> 14. TIRES
<input type="checkbox"/> 5. COMPOSTABLE MATERIAL (describe): _____	<input checked="" type="checkbox"/> 10. INERT	<input type="checkbox"/> 15. OTHER (describe): _____
	<u>Green waste</u>	

☐ 1. DESIGN (describe):☒ 2. OPERATION (describe): Processed Construction and Demolition Wastes and Material for Alternative Daily Cover☐ 3. OWNER, OPERATOR, ADDRESS, AND/OR FACILITY NAME CHANGE (describe):☐ 4. OTHER (describe):**B. FACILITY INFORMATION:****1. INFORMATION APPLICABLE TO ALL FACILITIES:**a. PEAK DAILY TONNAGE OR CUBIC YARDS 9,000 TPD1) DISPOSAL/TRANSFER (unit) 8,800 TPD2) OTHER (unit) 2,400 TPDb. DAILY DESIGN TONNAGE (TPD) 17,600c. FACILITY SIZE (acres) 542d. PEAK TRAFFIC VOLUME PER DAY (vpd) 5,565 (2,782.5 inbound/2,782.5 outbound)e. DAYS AND HOURS OF OPERATION Mon-Sat: 8 AM - 6 PM**2. ADDITIONAL INFO. REQUIRED FOR COMPOSTING FACILITIES ONLY:**a. SITE STORAGE CAPACITY (cu yds) Not Applicable**3. ADDITIONAL INFORMATION REQUIRED FOR LANDFILLS ONLY:**a. AVERAGE DAILY TONNAGE (TPD) 8,000 / 38,000b. SITE CAPACITY CURRENTLY PERMITTED (Airspace) (cu yds) 24,870,000c. SITE CAPACITY PROPOSED (Airspace) (cu yds) 24,870,000d. SITE CAPACITY USED TO DATE (Airspace) (cu yds) 18,775,000e. SITE CAPACITY REMAINING (Airspace) (cu yds) 6,095,000f. DATE OF CAPACITY INFORMATION (Date) (See instructions): 1/12/2005g. LAST PHYSICAL SITE SURVEY (Date) Aug-05h. ESTIMATED CLOSURE DATE (month and year) January 2009 based on anticipated lower tonnage after City Openingi. DISPOSAL FOOT PRINT (acres) 129.3j. SITE CAPACITY PLANNED (cu yds) 24,870,000

k. (i) IN-PLACE WASTE DENSITY (lbs of waste per cu yd of waste)

AND

(ii) WASTE-TO-COVER RATIO (Estimated) (w/v)

OR

l. AIRSPACE UTILIZATION FACTOR (tons of waste per cu yd of landfill airspace) 0.85**Part 4. SOURCE OF WATER SUPPLY (Check applicable boxes)**☒ A. MUNICIPAL OR UTILITY SERVICE: Los Angeles Department of Water and Power: 111 N. Hope St., Los Angeles, CA 90010Metropolitan Water District: 708 Alameda St., Los Angeles, CA 90013☐ B. INDIVIDUAL WELLS:☐ C. SURFACE SUPPLY:

1. NAME OF STREAM, LAKE, ETC.:

2. TYPE OF WATER RIGHTS: ☒ R☐ RIPARIAN☐ APPROPRIATION

3. STATE PERMIT OR LICENSE NUMBER, IF APPLICABLE:

A. CHECK BOX(ES) IF ENVIRONMENTAL DOCUMENT WAS OR WILL BE PREPARED FOR THIS PROJECT AND PROVIDE THE STATE CLEARINGHOUSE NUMBER (SCH#):

☒ ENVIRONMENTAL IMPACT REPORT (EIR) SCH# 88071210☐ NEGATIVE DECLARATION (INDICATED NEGATIVE DECLARATION (MND) SCH# _____☐ ADDENDUM TO (Identify environmental document) _____ SCH# _____

B. IF ENVIRONMENTAL DOCUMENT(S) WAS NOT PREPARED, PLEASE PROVIDE THE FOLLOWING INFORMATION:

☐ CATEGORICAL/STATUTORY EXEMPTION (CE/SE)
EXEMPTION TYPE _____

GUIDELINE # _____

Part 6. LIST OF ATTACHMENTS (Fill in the date for each document checked)**REQUIRED WITH ALL APPLICATION SUBMITTALS:**☒ RFP/JO RPI 8/18/1991 (Original)☒ LOCAL USE/PLANNING PERMITS Case #88312 (5) 2/1991; resubmitted☒ LOCATION MAP 1/12/2005☒ MITIGATION MONITORING IMPLEMENTATION SCHEDULE _____☒ ENVIRONMENTAL DOCUMENT(S):☒ EIR 11/30/1993☐ MND/ND _____☐ EXEMPTION _____☐ ADDENDUM _____**ADDITIONAL REQUIRED DOCUMENTS FOR LANDFILLS ONLY:**☒ OPERATING LIABILITY FINANCIAL MECHANISM Bond # PEC000483201 8/1/2005☒ FINANCIAL RESPONSIBILITY DOCUMENTATION Bond No. 104259401 7/16/2005☒ CLOSURE/POST CLOSURE MAINTENANCE PLAN☒ LANDFILL CAPACITY SURVEY RESULTS (see Instructions) see attached, August 2005☐ PRELIMINARY 3/21/2001
☐ FINAL _____**IF APPLICABLE:**☐ REPORT OF WASTE DISCHARGE _____☐ DEPT. OF HEALTH SERVICES PERMIT _____☐ CONTRACT AGREEMENTS _____☐ SWAT (air and water) _____☐ STORMWATER PERMIT APPLICATION _____☐ WETLANDS PERMITS _____☐ NPDES PERMIT APPLICATION _____☐ VERIFICATION OF FIRE DISTRICT COMPLIANCE _____☐ OTHER _____**Part 7. OWNER INFORMATION (For disposal site, if operator is different from land owner, attach lease or other agreement)****TPE OF BUSINESS:**☐ SOLE PROPRIETORSHIP☐ PARTNERSHIP☒ CORPORATION☐ GOVERNMENT AGENCY**ISSUE #** 1111**OWNING PARTY INDUSTRIES OF CALIFORNIA, INC.****ADDRESS, CITY, STATE, ZIP****742 San Fernando Road, Sylmar CA, 91342****ISSUE #** 1111**TELEPHONE #:****018-633-6500****FAX #:****018-633-642-5404****E-MAIL ADDRESS:****pete.chung@awin.com****CONTACT PERSON (Print Name):****Peter Chung**

Part 8. OPERATOR INFORMATION (For disposal site, if operator is different from land owner, attach lease or other agreement)**TYPE OF BUSINESS:**☐ SOLE PROPRIETORSHIP☐ PARTNERSHIP☒ CORPORATION☐ GOVERNMENT AGENCY**FACILITY OPERATOR(S)**

(Name):

Browning Ferris Industries of California, Inc.

ADDRESS, CITY, STATE, ZIP

14747 San Fernando Road, Sylmar CA, 91342

SSN OR TAX ID #:

95-2772010

TELEPHONE #:

818-885-8500

FAX #:

818-885-582-5484

E-MAIL ADDRESS:

peter.chung@bwin.com

CONTACT PERSON (Print Name):

Peter Chung

ADDRESS WHERE LEGAL NOTICE MAY BE SERVED:

Part 9. SIGNATURE BLOCK**Owner:**

I certify under penalty of perjury that the information I provided for this application and for any attachments is true and accurate to the best of my knowledge and belief. I am aware that the operator intends to operate a solid waste facility at the site specified above pursuant to this application and undertake that I may be responsible for the site should the operator fail to meet applicable requirements.

SIGNATURE (LAND OWNER OR AGENT):



PRINTED NAME:

Frank Kiesler

TITLE:

General Manager

DATE:

8-3-2005

Operator:

I certify under penalty of perjury that the information contained in this application and all attachments are true and accurate to the best of my knowledge and belief.

SIGNATURE (FACILITY OPERATOR OR AGENT):



8-3-2005

PRINTED NAME:

Frank Kiesler

TITLE:

General Manager

DATE:

8-3-2005

Part 10. OTHER (Attach additional sheets to explain any responses that need clarification).

From: Kenneth Murray
To: Fishheadg@aol.com
Date: 7/18/05 7:10AM
Subject: Meeting to discuss ADC at Sunshine Cyn

I got your email regarding meeting to discuss ADC. We can meet in my office, and I also wouldn't mind coming out there to meet. Whatever you like works for me.
Ken

From: <Fishheadg@aol.com>
To: <kmurray@ladhs.org>
Date: 7/13/05 10:06AM
Subject: L.A. City ADC Ordinance

Here as the ordinance. I did a copy and paste method.

Gerry

File Number 03-0978 Last Changed Date 09/08/2003 Title
sunshine canyon landfill (DUMP) / CONSTRUCTION AND DEMOLITION DEBRIS Initiated by
Bernson Mover 2003 / Padilla Subject Motion - In order to protect the
environment and surrounding communities, the State of California requires
landfill operators to cover their lifts each day with a material that prevents
trash from being carried out of the area by winds or runoff water from rains.
In most cases operators will use earth which has been excavated from the
immediate area or tipped by haulers as their daily cover. However, sunshine
canyon landfill (The Dump) has submitted a permit to the Environmental Affairs
Department to allow for a scope of operation at Unit 2. This change, if
approved by the Environmental Affairs Department (EAD), would allow the Dump to
accept Construction and Demolition debris and to be able to use some of these
materials as Daily Cover.

The State advises that other municipalities have restricted their local
Dumps from using materials deemed unacceptable as Daily Cover and the City of Los
Angeles has the same ability and responsibility as other local
municipalities to protect its neighborhoods.

NOW THEREFORE MOVE that the City of Los Angeles, Environmental Affairs
Department, in any permit it issues to the Dump, prohibit the use of:

Contaminated soil

Cement kiln dust materials

Dredge spoils

*Deleted (Bernson - Miscikowski)

Foundry sands

Processed exploration waste

Production waste

Construction and demolition waste

Shredded tires

Foam

*Deleted (Miscikowski - Bernson)

as acceptable Daily Cover materials.

FURTHER MOVE that the permit should state that, in addition to the Citizens
Advisory Committee, the Granada Hills North Neighborhood Council and other
interested groups be notified of all operational changes proposed for the
landfill that were not fully analyzed in the Supplemental environmental Impact
Report, and that the affected community be given an adequate opportunity to
comment and to request hearings and California Environmental Quality Act findings.

FURTHER MOVE that the City of Los Angeles urge the County Public Works
Department to also restrict these materials from being used in the portion of the
Dump which is within the County area of Los Angeles.

Council District 4 Date Received 5-13-2003 File History 5-13-03 - This
day's Council session

5-13-03 - File to Calendar Clerk for placement on next available Council
agenda

5-20-03 - CONTINUED TO May 27, 2003

5-27-03 - Motion ADOPTED *AS AMENDED

5-28-03 - Motion RECONSIDERED and RE-ADOPTED *AS AMENDED

6-9-03 - File in files

From: "Marciniak, William" <wmarcini@CIWMB.ca.gov>
To: "Hambleton, Suzanne" <shamblet@CIWMB.ca.gov>, "Gerardo Villalobos" <gvillalobos@ladhs.org>, <Fishheadg@aol.com>
Date: 7/15/05 2:36PM
Subject: ADC Appeal suggestions for NVC

Suzanne, during the meeting yesterday at Sunshine Canyon Landfill the North Valley Coalition indicated that they wanted to file an appeal. This appeal would be to 1) stop the landfill from taking C&D ADC tailings; and 2) confront the LEA when and if they approve the RDSI amendment to allow the tailings to be accepted. I believe in order to do this the appeal would first begin as an action which I highlighted in red below in the section PRC section 44307. The NVC would need begin by following the directions which are identified below in PRC section 44310(a)(1). I also included PRC section 45350 below which describes the procedures for the appeal to the Board, if the NVC is unhappy with the hearing panel decision then the appeal to the Board can take place.

Gerry, I am sending this to Suzanne who is off today but she will probably either respond on Monday or forward it to legal for comment in which case it may be longer before we get a response to you. You may want to take this as is to you Chief and see what he thinks.

44307. From the date of issuance of a permit that imposes conditions that are inappropriate, as contended by the applicant, or after the taking of any enforcement action pursuant to Part 5 (commencing with Section 45000) by the enforcement agency, the enforcement agency shall hold a hearing, if requested to do so, by the person subject to the action. The enforcement agency shall also hold a hearing upon a petition to the enforcement agency from any person requesting the enforcement agency to review an alleged failure of the agency to act as required by law or regulation. A hearing shall be held in accordance with the procedures specified in Section 44310.

44308. (a) All hearings conducted pursuant to this chapter by the enforcement agency shall be conducted by a hearing officer appointed pursuant to subdivision (d) or a hearing panel appointed pursuant to either of the following procedures:

(1) The governing body may appoint three of its members as the hearing panel.

(2) The chairperson of the governing body may appoint an independent hearing panel consisting of three members.

(b) (1) If an independent hearing panel is appointed pursuant to paragraph (2) of subdivision (a), not more than one member of the governing body shall serve on the hearing panel.

(2) Members of the independent hearing panel shall be selected for their legal, administrative, or technical abilities in areas relating to solid waste management.

(3) At least one member of the independent hearing panel shall be a technical expert with knowledge of solid waste management methods and technology.

(4) At least one member of the independent hearing panel shall be a representative of the public at large.

(5) A member of an independent hearing panel shall serve for a term of four years, and may not serve more than two consecutive

terms.

(6) If a member of an independent hearing panel does not complete the member's term, the chairperson of the governing body shall appoint a replacement to serve out the remainder of the unexpired term.

(c) Members of the hearing panel may receive per diem and necessary expenses while conducting the hearing.

(d) The governing body of an enforcement agency may appoint a hearing officer only if the governing body has adopted procedures for making that appointment and has adopted qualifications that the hearing officer is required to meet.

44310. All hearings conducted pursuant to this chapter shall be based on the following procedures:

(a) (1) The hearing shall be initiated by the filing of a written request for a hearing with a statement of the issues.

(A) If the hearing request is made by the person subject to the action, the request shall be made within 15 days from the date that person is notified, in writing, of the enforcement agency's intent to act in the manner specified.

(B) If the hearing request is made by a person alleging that the enforcement agency failed to act as required by law or regulation pursuant to Section 44307, the person shall file a request for a hearing within 30 days from the date the person discovered or reasonably should have discovered, the facts on which the allegation is based.

(2) The enforcement agency shall, within 15 days from the date of receipt of a request for a hearing, provide written notice to the person filing the request notifying the person of the date, time, and place of the hearing.

(3) If that person fails to request a hearing or to timely file a statement of issues, the enforcement agency may take the proposed action without a hearing or may, at its discretion, proceed with a hearing before taking the proposed action.

(4) The enforcement agency shall file its written response to the statement of issues filed by the person requesting the hearing with the hearing panel or the hearing officer, and provide a copy to the person requesting the hearing, not less than 15 days prior to the date of the hearing.

(b) The hearing shall be held no later than 30 days after receiving the request for a hearing on the merits of the issues presented, in accordance with the procedures specified in Article 10 (commencing with Section 11445.10) of Chapter 4.5 of Part 1 of Division 3 of Title 2 of the Government Code.

(c) Within five days from the conclusion of the hearing, the hearing panel or hearing officer shall issue its decision. The decision shall become effective as provided in Section 45017.

45030. (a) A party to a hearing held pursuant to Chapter 4 (commencing with Section 44300) of Part 4 may appeal to the board to review the written decision of the hearing panel or hearing officer or to review the petitioner's request in the instance of a failure of a hearing panel or hearing officer to render a decision or consider the request for review, or a determination by the governing body not

to direct the hearing panel or hearing officer to hold a public hearing, under the following circumstances:

(1) Within 10 days from the date of issuance of a written decision by a hearing panel or hearing officer.

(2) If no decision is issued, within 45 days from the date a request for a hearing was received by the enforcement agency for which there was a failure of a hearing panel or hearing officer to render a decision or consider a petitioner's request pursuant to Section 44310.

(b) An appellant shall commence an appeal to the board by filing a written request for a hearing together with a brief summary statement of the legal and factual basis for the appeal.

(c) Within five days from the date the board receives the request for a hearing, the board shall schedule a hearing on the appeal and notify the appellant and all other parties to the underlying proceeding of the date of the board hearing.

(d) The board shall hear the appeal within 60 days from the date the board received the request for the appeal.

(e) The board shall conduct the hearing on the appeal in accordance with the procedures specified in Article 10 (commencing with Section 11445.10) of Chapter 4.5 of Part 1 of the Government Code.

45031. Within 30 days from the date that an appeal is filed with the board, the board may do any of the following:

(a) Determine not to hear the appeal if the appellant fails to raise substantial issues.

(b) Determine not to hear the appeal if the appellant failed to participate in the administrative hearing before the hearing panel, except that the board shall hear the appeal if the appellant shows good cause for the appellant's failure to appear.

(c) Determine to accept the appeal and to decide the matter on the basis of the record before the hearing panel, or based on written arguments submitted by the parties, or both.

(d) Determine to accept the appeal and hold a hearing, within 60 days, unless all parties stipulate to extending the hearing date.

45032. (a) In the board's hearing on the appeal, the evidence before the board shall consist of the record before the hearing panel or hearing officer, relevant facts as to any actions or inactions not subject to review by a hearing panel or hearing officer, the record before the local enforcement agency, written and oral arguments submitted by the parties, and any other relevant evidence that, in the judgment of the board, should be considered to effectuate and implement the policies of this division.

(b) The board may only overturn an enforcement action, and any administrative civil penalty, by a local enforcement agency if it finds, based on substantial evidence, that the action was inconsistent with this division. If the board overturns the decision of the local enforcement agency, the hearing panel, or the hearing officer, or finds that the enforcement agency has failed to act as required, the board may do both of the following:

(1) Direct that the appropriate action be taken by the local enforcement agency.

(2) If the local enforcement agency fails to act by the date specified by the board, take the appropriate action itself.

45033. A failure to appeal to the hearing panel, the hearing officer, or the board for review, or the refusal of the local enforcement agency, a hearing panel, the hearing officer, or the board to hear an appeal does not preclude a person from filing an action with the superior court to contest any action or inaction of the local enforcement agency or the board.

From: <Fishheadg@aol.com>
To: <kmurray@ladhs.org>
Date: 9/28/05 9:40AM
Subject: Re: 10/11/05 SWF Hearing Board - Sunshine Cyn Landfill

Ken,

I have an updated one that was submitted with the application for the 5 year permit review, but recently submitted one is not the one they are perating under. As for the other docs, it seems that you have them.

As for Wades FOIA letter, there were no e-mails that were sent between BFI and myself. However i do have docs (ie: lca advisories) that i can provide. I will gather them and get them to you.

Gerry

In a message dated 9/27/2005 9:46:13 AM Pacific Standard Time, kmurray@ladhs.org writes:

Gerry:

If you get the other edition of this email that I sent you, disregard it.

I made copies of all of these documents requested in the attached email by Mike Mohajer. The RDSI in our file room is the "Report of Disposal Site Information, Proposed Sunshine Canyon Sanitary Landfill Extension Site, August 16, 1991"

Let me know if you have a more current one out there at the landfill.

Thanks...

Ken

Return-path: <mikemohajer@yahoo.com>

Received: from mail3.ladhs.org

([66.127.146.57])

by dhsia2; Mon, 26 Sep 2005 21:55:25 -0700

Received: from smtp011.mail.yahoo.com ([216.136.173.31])

by mail3.ladhs.org with SMTP; 26 Sep 2005 21:59:21 -0700

X_S9RS: 5.0

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From: "Mike Mohajer" <mikemohajer@yahoo.com>
To: "Ken Murray" <kmurray@ladhs.org>
Cc: "Pete Oda" <poda@ladhs.org>,
"Cathy Castro" <cacaastro@ladhs.org>,
"Grace Chang" <gchang@counsel.co.la.ca.us>,
"Mark Yansai" <Myansai@counsel.co.la.ca.us>
Subject: 10/11/05 SWF Hearing Board - Sunshine Cyn Landfill
Date: Mon, 26 Sep 2005 21:53:42 -0700
Message-ID: <FGENJMFGE0HNOJPFCHFMEEKEDAA.mikemohajer@yahoo.com>
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X-Mailer: Microsoft Outlook IMO, Build 9.0.2416 (9.0.2910.0)
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Disposition-Notification-To: "Mike Mohajer" <mikemohajer@yahoo.com>

Hi Ken,

In re to the subject matter, I would appreciate in receiving a copy of the following documents at your earliest.

1. A copy of the facility current SWF Permit
2. A copy of the Finding of Conformance granted to the facility by the LA County Solid Waste Mgmt Committee/IWM Task Force
3. A copy of the facility current CUP granted by the County Board of Supervisors/Regional Planning Commission
4. A copy of the facility current RDSI

In addition, I would like to have the definition of the "Construction and Disposal Tailing Waste and Materials" for the records. Thanks, Mike

MIKE MOHAJER
mikemohajer@yahoo.com (mailto:mikemohajer@yahoo.com)

NVC EXHIBIT

B2

**CERTIFIED
COPY**

APPEAL HEARING FOR APPROVAL OF THE USE OF CONSTRUCTION
AND DEMOLITION MATERIAL AS ALTERNATIVE DAILY COVER AT
THE SUNSHINE CANYON LANDFILL

5050 COMMERCE DRIVE, ROOM 120
BALDWIN PARK, CALIFORNIA 91706

TUESDAY, OCTOBER 11, 2005

9:00 A.M.

Reported By:

Amber Dawn Castaneda, RPR, CRR

CSR No. 7640



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A P P E A R A N C E S

M. MICHAEL MOHAJER, P.E., COMMISSIONER
LESLIE N. BITTENSON, COMMISSIONER
MARGARET CLARK, COUNCILWOMAN
GRACE CHANG, DEPUTY COUNTY COUNSEL
MARK T. YANAI, PRINCIPAL DEPUTY COUNTY COUNSEL
ANNE ZILIAK, NORTH VALLEY COALITION
MARY EDWARDS, NORTH VALLEY COALITION
WAYDE ANTHONY HUNTER, NORTH VALLEY COALITION
KAREN TAYLOR, PARALEGAL
KEN MURRAY, CHIEF ENVIRONMENTAL HEALTH SPECIALIST
STAN UYEHARA, ENVIRONMENTAL HEALTH SPECIALIST IV
DAVID EDWARDS, BFI
FREDERICK W. PFAEFFLE, SENIOR DEPUTY COUNTY COUNSEL
FRANK KIESLER, BFI
SHARON F. RUBALCAVA, ESQ.
GERARDO VILLALOBOS, ENVIRONMENTAL HEALTH SPECIALIST IV
WILLIAM MARCINIAK, INTEGRATED WASTE MANAGEMENT SPECIALIST
PETE OOLA, ENVIRONMENTAL HEALTH SPECIALIST
CATHY CASTRO, L.A. COUNTY SECRETARY

1 TUESDAY, OCTOBER 11, 2005

2 BALDWIN PARK, CALIFORNIA

3 9:30 A.M.

4

5 MR. MOHAJER: Okay. I'm going to call the
6 meeting to order. It's 9:30 in the morning.

7 My name is Mike Mohajer. I'm chairman of
8 the Solid Waste Facility here in the county of
9 Los Angeles.

10 I'm going to be conducting the oath for
11 anyone that would like to provide comments on this
12 matter before us.

13 So if you would raise your hand, for those
14 of you that want to.

15 Do you swear or affirm to state the truth,
16 the whole truth and nothing but the truth, so help
17 you God.

18 ATTENDEES: Yes. Yes. Yes.

19 MR. PFAEFFLE: Sorry, Mr. Chairman. We
20 need to have Gerry also.

21 MR. MOHAJER: Okay. Gerry, if you would
22 raise your hand. I'm conducting the swear.

23 Do you swear or affirm to state the truth,
24 the whole truth and nothing but the truth, so help
25 you God?

1 MR. VILLALOBOS: I do.

2 MR. MOHAJER: Thank you.

3 For the purpose of the court recorder, I
4 would like to go around the table. If everybody
5 would introduce themselves.

6 And would you like them to also mention
7 their name every time they talk?

8 THE REPORTER: Yes.

9 MR. MOHAJER: Okay. So we have to make
10 sure every time you're speaking I would recognize
11 you and you mention your name. So we'll do it fast.

12 MS. CLARK: I'm Margaret Clark. I'm
13 councilwoman in Rosemead and member of the Solid
14 Waste Hearing Panel.

15 MR. YANAI: I'm Mark Yanai with the county
16 Counsel's office.

17 MS. ZILIAK: I'm Ann Ziliak. I'm a member
18 of the North Valley Coalition and I am chair of the
19 Planning and Land Use Committee for your Local
20 Neighborhood Council.

21 MS. EDWARDS: I'm Mary Edwards. Just a
22 neighbor.

23 MR. HUNTER: Wayde Hunter, president of the
24 North Valley Coalition.

25 MR. MARCINIAK: William Marciniak with the

1 Waste Board.

2 MR. UYEHARA: Stan Uyehara, Los Angeles
3 county LEA.

4 MR. MURRAY: Ken Murray, Los Angeles county
5 LEA.

6 MR. VILLALOBOS: Gerardo Villalobos,
7 Los Angeles county LEA.

8 MR. PFAEFFLE: Fred Pfaeffle with the
9 county Counsel's office, counsel for the LEA.

10 MR. EDWARDS: Dave Edwards with BFI.

11 MS. RUBALCAVA: Sharon Rubalcava with
12 Weston Benshoof law firm and I'm representing BFI.

13 MR. KIESLER: Frank Kiesler, BFI.

14 MR. BITTENSON: Les Bittenson, member of
15 the Solid Waste Facilities Hearing Panel.

16 MR. MOHAJER: Before -- there are a couple
17 of housecleaning items. What we decide to do that
18 since we don't have a print agenda, we're going to
19 have the North Valley present their case and BFI
20 would go second, then LEA, and then after that we
21 will open up to the board and everybody else.
22 That's one item.

23 Also, for the record, I have -- on
24 September 26th I had asked Mr. Ken Murray of the
25 L.A. county LEA to provide me with a copy of the

1 following: A copy of the facility current solid
2 waste permit, a copy of the finding of conformance
3 granted to the facility by the L.A. county Solid
4 Waste Management Committee, Integrated Waste
5 Management Task Force, a copy of the facility
6 current CUP granted by the County Board of
7 Supervisor/Regional Planning Commission, a copy of
8 the facility current RDSI.

9 In addition, I had indicated that I would
10 like to have some definition of the code
11 construction and disposal tailing waste and
12 materials for the records. I have not received that
13 definitions.

14 In addition, I have contacted the L.A.
15 county Department of Public Works. I had requested
16 them to provide me with a table identifying the
17 amount of materials that was reported by BFI as a
18 part of their disposal reporting system, the amount
19 of materials used for beneficial use at the facility
20 as well as alternative daily covers. And for the
21 calendar year 2004 as well as calendar year 2005.
22 So for 2005 I have received information only for the
23 first and the second quarter of 2005.

24 So the question that I have to our board
25 counsel, does this one needs to be provided to

1 everybody as well?

2 MR. YANAI: I mean, we could make copies if
3 anybody would like to get it at the end of the
4 hearing.

5 MR. MOHAJER: And then also this morning we
6 have received a folder that was provided to us. I
7 discussed it with our counsel. And needless to say,
8 we just got it, so we haven't read it and we are not
9 in a position to really discuss it, unless BFI wants
10 to discuss it, that would be fine.

11 All right. So having said that, then I
12 would like to move forward with the Mr. Hunter.

13 MR. HUNTER: Yes. Thank you.

14 My name is Wayde Hunter. I'm the president
15 of the North Valley Coalition and the person filing
16 the appeal on behalf of our organization.

17 I would just like to start off, I would
18 like to put Mary Edwards up first. We have a couple
19 of things, little housekeeping we would like to take
20 care of, if we could, first, and some comments she
21 would like to make and then I'll speak from there.

22 Thank you.

23 MS. EDWARDS: I'm Mary Edwards. I get to
24 be the bad guy. I needed to ask Les Bittenson, who
25 I've known for years because he was employed by BFI

1 for a continuing period when we were working on
2 things like incinerators and things of that nature,
3 and I wanted to find out if he could really be
4 objective on this panel because I know he was --
5 when we met before, though he's a very charming and
6 lovely man, we were definitely -- he was definitely
7 representing BFI in all of these, in these hearings.
8 And so I just wanted to see if he feels like he can
9 be objective. I know, I'm hoping that times have
10 changed and that you have converted to our side, but
11 beyond that, you know, I just, that was one of the
12 things that I would ask to do.

13 And then I want to go on from there to -- I
14 want to go on from there just as a resident and in a
15 very low-key way to tell you about our concerns.

16 For a very long time I've had the concern
17 that when you say something is -- doesn't meet a
18 level of significance, what happens is that people
19 make decisions that were never analyzed and the
20 public never got a chance to look at. They never
21 get a chance to -- when you put a facility on to
22 process green waste, they never get a chance to
23 know, is it open wind rose? What is it within this?
24 What is it that we're going to feel the impacts of?
25 Was there -- was there a 24-hour period when they

1 would have to cover? All of these kinds of things.

2 Because it isn't -- and this one wasn't,
3 this kind of ADC was not -- was not in any of the
4 EIRs.

5 What happens is the people surrounding a
6 landfill. And all landfills are different. They
7 have different climate conditions. They are just
8 different in the location. Some are very remote and
9 some are right next to homes. But there should be
10 some process. Rather than having someone by
11 fiancée, well, we were told this by BFI at our
12 meetings, it's on the list, so it's approved.

13 Well, does that mean it's approved for
14 every place anytime? Because some of these things
15 certainly carry many more hazards and others. And
16 there needs to be a process that people look at
17 when -- I feel that these things are -- definitely
18 meet a certain threshold that goes beyond of
19 significance in this area.

20 And now, when we're talking about asbestos,
21 I think that this really struck home because so many
22 of us, Wayne's house, my house when they were
23 demolished had considerable amounts. We had to go
24 through asbestos treatment because of the ceilings,
25 the everything, taping, the wallboard, everything in

1 our homes had to have asbestos inspection. So we
2 know the construction material by its very nature
3 contained it and we know if it's friable it can be
4 windborne and then also experientially we know that
5 we are in a wind tunnel.

6 So this sent up a red flag. And we thought
7 right from the beginning that when the State had
8 noticed and came in on their inspection notice and
9 what they said was that this was not in the RDSIs,
10 that this was not in their current and that that
11 should be modified. But what happened was that we
12 continued to use it before -- it continued to be
13 used before the application was ever made to or
14 approved to -- for this particular. So that,
15 basically, it was just at the discretion of the LEA
16 to allow it to keep coming in and coming in and
17 coming in until finally the application after we
18 had, you know, said what's happened, have they ever
19 applied for it. And the application should have
20 been made, then you should start. They should have
21 withdrawn it until the time that it had been applied
22 for and officially approved. And at that point in
23 time was logical time to have started to use it
24 after it had been approved. But at that point no
25 one really knew what the application was even going

1 to contain.

2 Now, I have read the application and I know
3 most of it comes from -- most of the components of
4 the daily cover are coming from the Falcon Transfer
5 Station, which is a BFI affiliate. And we wanted to
6 be sure that, you know, the application just didn't
7 open that up to -- even though they have some
8 protocols for testing.

9 Does the application open that to all
10 C & Ds? I mean, it didn't say that it restricted
11 it. I don't see anyplace in the world that it
12 restricts it from coming, C & D from coming from
13 other places. And even though it says that it's
14 going to be -- these certain materials, then it is
15 left to two load checks a day and then if you read
16 further in the instruction it says the only way you
17 can check for asbestos is microscopic. And it says
18 that in their training, that the only way, and only
19 is underlined, is by microscopic. You have to do a
20 real test to put it in because it could be contained
21 in these things.

22 It would be my hope that it -- with this
23 application that you would put the forbidden
24 materials, which they say are so common, on the list
25 of things that would not be -- could not enter. And

1 that would be, you know, there's a little picture of
2 a house in your materials that you got and the house
3 shows what's in the tiling and the flooring. If you
4 could restrict those materials and take it to just
5 something like wood chipping and things like that,
6 your probability of having problems down the line
7 with friability and winds would be greatly
8 diminished.

9 That would be my hope, that they could --
10 we could work out something that would do --

11 Also, I think there's a -- it's very
12 strange to me that now that they're going through
13 the county CUP process at this very time which will
14 mean that they will change to a joint technical
15 document in the near future and that will basically
16 administrate the way the landfill is run.

17 And this is -- you know, we've had several
18 hearings now already. So it's down the road for the
19 new CUP which will have a new joint technical
20 document that will accompany it. So with that, you
21 would assume that this would be the proper place
22 because then they will be working with the city.

23 Now, the city has restrictions that they
24 have been put on by ordinance from excepting
25 construction and demolition. So they have an

1 ordinance that restricts all kinds of other daily
2 covers also. So in order --

3 One of the purposes of that document was to
4 reconcile the city and the county so they could go
5 together as one unit. And you wouldn't be getting,
6 oh, this is forbidden here and that's okay here.

7 So it seems premature while this is going
8 on not to approve something that may be really
9 problematic in the future. So it would -- it would
10 seem that the logical thing to do would be to put it
11 up to the joint technical document to come together
12 on something and the restrictions that would be
13 applicable down the line. So it -- there are so
14 many things going on with this that it's going to be
15 kind of confusing, but I do think that we -- as just
16 for everything, we need a procedure that will allow
17 the public some participation when things are really
18 changing the nature of the operation and that these
19 things should be site specific rather than just
20 general, you know, you can't just look at a list
21 from something from the State and say --

22 Because when I call the State and I ask
23 them, I say, "What kind of things did you do."

24 They said, "We leave that up to the LEA to
25 test, you know, to test."

1 I said, "Is there asbestos in that?"

2 They said, "We leave that up to the LEA to
3 find out."

4 So, basically, they don't have any real
5 background testing, according to Scott Walker at the
6 Waste Board. They have no background testing on
7 these things. They approved them, but they don't
8 have a lot of specifics about what they include.

9 So it's -- somebody needs to be looking at
10 exactly what these things include and also the kind
11 of vigorous testing program that would go on at some
12 place like Falcon that was doing it so that it's not
13 just load check which could, as they said, asbestos
14 can't be seen, it has to be tested for
15 microscopically. So you need -- there needs to be
16 other protocol.

17 So I am just leaving it in your good
18 judgment to try to find something that will satisfy
19 our concerns, because I think all of us are
20 concerned because we know it's a windy area, we know
21 in the past we've breathed the dust coming from the
22 landfill and we know that it's unrevegetated. And
23 so we really want to be sure that we're not
24 breathing something that could cause pain and death.

25 Well, Wayde.

1 MR. HUNTER: Thank you.

2 I have copies for each of the

3 commissioners.

4 MR. MOHAJER: What I would like to do with

5 our counsel, I would like to make it all become part

6 of the record.

7 MS. CHANG: This is Grace Chang with county

8 Counsel. We can mark them as exhibits, number them

9 however you want.

10 MR. MOHAJER: All right. I'm sorry. We're

11 just going to take five minutes so I can discuss

12 over here before you come.

13 So let's go ahead and conduct our -- this

14 is Grace Chang from L.A. county Counsel. And I'm

15 trying to find --

16 Do I have to swear you also?

17 MS. CHANG: Well, I'm not going to offer

18 testimony, but I would be happy to take the oath

19 when the court reporter comes back.

20 MS. TAYLOR: Pete may also need to be sworn

21 in. He wasn't here for the swearing in process.

22 MS. CHANG: The court reporter has left.

23 THE REPORTER: I'm right here.

24 MS. CHANG: I thought it was the lady

25 sitting in the corner. I'm sorry.

1 MS. TAYLOR: That was Catalina.

2 MR. MOHAJER: Do you swear or affirm to
3 state the truth, the whole truth and nothing but the
4 truth, so help you God?

5 MS. CHANG: I do.

6 MR. OOLA: I do.

7 MR. YANAI: Would you like to take a
8 ten-minute recess, five-minute recess then?

9 MR. MOHAJER: Yeah. I would like to do
10 that so I can discuss with our own counsel, board
11 counsel. So we're going to go off the record for
12 ten minutes.

13 MS. CHANG: Okay. That's fine.

14 (Recess taken from 9:48 a.m.

15 to 10:05 a.m.)

16 MS. CHANG: Back on the record.

17 Okay. Before we continue, I wanted to mark
18 a few exhibits for the record. We've talked about
19 several documents this morning.

20 First of all, I would like to mark as
21 Coalition Exhibit 1 a package that was submitted to
22 all parties this morning entitled Solid Waste
23 Facilities Hearing Board October 11, 2005, North
24 Valley Coalition Appeal and Response to
25 Documentation.

1 I would like to mark as BFI Exhibit 1 a
2 binder that was submitted to all parties this
3 morning with the label Appeal Hearing for Approval
4 of the Use of Construction and Demolition Material
5 as ADC at Sunshine Canyon Landfill.

6 I would like to Mark as LEA Exhibit 1 an
7 agenda package, which I believe all parties have a
8 copy of, entitled Solid Waste Facilities Hearing
9 Board October 11, 2005 Agenda.

10 And then there were some exhibits that
11 Chairman Mohajer disclosed this morning -- documents
12 rather that he requested from the LEA and the
13 Department of Public Works which for his information
14 purposes and for the information of the other panel
15 members let's mark them as the first document is a
16 copy of the facility current Solid Waste Facility
17 permit. Rather a copy of the current facility Solid
18 Waste Facility permit. Let's mark that as Hearing
19 Panel Exhibit 1.

20 And then as Hearing Panel Exhibit 2, a copy
21 of the finding of conformance granted to the
22 facility by the L.A. county Solid Waste Management
23 Committee/Integrated Waste Management Task Force.

24 And then as Hearing Panel Exhibit 3, a copy
25 of the current facility CUP granted by the county

1 Board of Supervisors/Regional Planning Commission.
2 Then as Hearing Panel Exhibit 4, a copy of
3 the current facility RDSI.

4 And then as Hearing Panel Exhibit 5
5 something that Chairman Mohajer asked me to add to
6 the record is a document of proposed revisions to
7 the RDSI.

8 And then as Hearing Panel Exhibit No. 6, a
9 double-sided single-page document provided by the
10 Department of Public Works entitled Historical
11 Disposal Summary Reports Beneficial Use Report by
12 Facility for Sunshine Canyon Landfill and they are
13 for the entire calendar year of 2004 and the first
14 half of calendar year 2005.

15 MR. MOHAJER: I would like to add
16 additional exhibits and that would be the Facility
17 Waste Plan Conformance Agreement, Waste Plan
18 Conformance Agreement.

19 MS. CHANG: So that will be Hearing Panel
20 Exhibit No. 7.

21 MR. MOHAJER: Okay. So Mr. Hunter, we are
22 back to you.

23 MS. RUBALCAVA: One point of order. I
24 don't think we have seen Hearing Panel Exhibit 5.
25 That one is not something that's familiar to me.

1 MS. CHANG: That's the proposed revisions
2 to the RDSI.
3 MR. MOHAJER: Right.
4 MS. CHANG: Karen, can you help us?
5 These are yours, Chairman Mohajer..
6 Thank you.
7 MR. MOHAJER: Okay. You will be provided
8 with a copy before the end of today.
9 Mr. Murray, would you be able to provide
10 all parties with a copy of the RDSI as well as the
11 proposed revision to the RDSI?
12 MR. MURRAY: I can do the RDSI. I don't
13 know about the proposed.
14 Do we have a copy of that?
15 MR. VILLALOBOS: Not here.
16 MR. MOHAJER: For the record, I was
17 provided, we provided when we marked.
18 MR. MURRAY: I provided you with a couple
19 of pages.
20 MR. MOHAJER: Right. This is the document.
21 MR. MURRAY: Yeah.
22 MR. MOHAJER: It's a proposed revision.
23 Right. It's a --
24 MR. MURRAY: Okay. Yes. We do have that.
25 I've just been told.

1 MR. MOHAJER: So let me go. It's five
2 pages. The first one is page 15, dated June 2005.
3 Then page 16, page 16.1, page 16.2 and page 16.3
4 small A. They all are dated June 2005.

5 MS. EDWARDS: Could I ask a question?

6 How is -- what is the process for -- that
7 that would go through the revisions for the RDSI? I
8 mean, what -- how do they get approved, the
9 revisions?

10 MR. MOHAJER: Well, we'll have the LEA
11 respond to that.

12 MS. EDWARDS: How do they get approved, the
13 revisions?

14 MR. MOHAJER: After we get finished, we'll
15 go through.

16 MS. EDWARDS: I just wondered what happens.

17 MR. MOHAJER: So Mr. Hunter, it's all
18 yours.

19 MR. HUNTER: Okay. Thanks very much.

20 I would just like to be on the record that
21 the black binder that was supplied by Solid Waste
22 Hearing Facilities Hearing Board, October 11 Agenda,
23 that the copies of the information that contained
24 therein that I am referenced either as a cc or as
25 the person receiving, I received none of those

1 documents that are listed in this.

2 I did talk to Mr. Murray regarding this
3 issue that I not received any. The only thing that
4 I ever received was the initial announcement of a
5 hearing thing, which was then subsequently
6 cancelled. And I only actually found out that
7 information when I received it within this agenda
8 itself. So nothing in here did I ever receive
9 personally.

10 Okay. That was my housekeeping.

11 What I had done was go through this
12 document because this is basically all I had.
13 Again, yes, we had filed an appeal. And I just
14 looked at the information that was supplied by DOHS.
15 And I went in section one, so I just took it by
16 sections.

17 And in the first section Gerry Villalobos
18 writing to Peter Chong, there's a letter in there
19 that noted at the time that BFI's application was
20 being rejected, you know, for the errors that's
21 noted.

22 And one of the questions that, you know,
23 arises at least to us on page two under part three
24 facility information, DOHS states that construction
25 of demolition debris is not identified in the

1 California Code of Regulations, Title 27, 20690 as
2 approved ADC. And I just wondered how that was
3 resolved. Because if it wasn't, then why are we
4 here sort of thing? But so there was a question to
5 DOHS.

6 We found on that that DOHS did not catch
7 all of the errors that they had noted in this
8 particular letter and there were other errors that
9 the NVC had found. And we had in an amended
10 application, the Solid Waste Facility, state and
11 supplied under a foyer, which we had supplied to Ken
12 on page four through six being -- sorry. Four of 16
13 through seven of 16 under the title Additional
14 Information Released Under Freedom of the
15 Information Act, we had made some comments
16 specifically of the items that we were talking
17 about.

18 So if you were to turn to page five of this
19 document that I handed you, you see we have a title
20 of Additional Information Released Under Freedom
21 Information Act. And there we go under and we
22 specify some of those questions as to the numbers
23 used.

24 For instance, on that copy of that
25 information that was released to us under the foyer,

1 five of 16 repeat daily tonnage of 9,000 tons per
2 day is given. Well, as far as we know, it was 6,600
3 tons per day. And even if you make an allowance for
4 inerts, that is still too high.

5 We've got another number sitting in that
6 same document, says daily design tonnage of 17,800
7 tons per day also appears to be incorrect. And, you
8 know, the basis of these numbers appear to come from
9 a 1989 EIR and a mega landfill for 215 million tons
10 which involved the land filling not only in the
11 county but in the city of Los Angeles. And this
12 information does not appear to take into
13 consideration the current permits which they are
14 operating under.

15 Site capacity proposed, used to date and
16 remaining capacity is also specious. We believe
17 that BFI totally misrepresents the capacity. The
18 disposal footprint of 129.3 acres is also incorrect
19 and the NVC has an Exhibit CC1 attached to this
20 document.

21 MS. RUBALCAVA: Excuse me, Mr. Mohajer.

22 This appeal is for an approval by the LEA
23 to use C & D material as alternative daily cover.
24 This does not seem to be -- the information he's
25 going into does not seem to be relevant to that

1 determination.

2 MR. HUNTER: May I argue my own case?

3 We're giving this information because this
4 goes to the application. The application on which
5 they go and say, we want to do this contains the
6 information that it is incorrect. So how does
7 anybody even assess whether or not that they should
8 be -- what their entitlements are, if you don't even
9 have the correct information to file?

10 As a matter of fact, DOHS was the first one
11 to pick up and say, "Hey guys, your application is
12 incorrect. You need to correct it."

13 I'm merely pointing out that they didn't
14 even find all of the errors that were on that
15 application. So the subsequent application, which
16 you ended up approving, is incorrect. It still
17 contains errors.

18 MR. PFAEFFLE: I do want to interpose an
19 objection.

20 MR. MOHAJER: You need to mention your
21 name.

22 MR. PFAEFFLE: Fred Pfaeffle, counsel for
23 the LEA.

24 I would like to interpose an objection,
25 also.

1 I agree with Ms. Rubalcava in that this
2 issue is beyond the scope of this hearing and it was
3 not properly noticed in the materials that were
4 sent.

5 MS. CHANG: If I can just have one second
6 to confer.

7 MR. MOHAJER: Right.

8 (Recess taken from 10:18 a.m.
9 to 10:18 a.m.)

10 MR. MOHAJER: So the objection by BFI and
11 LEA was noted for the record.

12 So Mr. Hunter, you can continue.

13 MR. HUNTER: Okay. If you look at
14 Exhibit CC1 in the North Valley Coalition, again,
15 what we want to point out is that these are not
16 things that haven't been raised before. Only that
17 these things are well-known. So turning to CC1 --

18 MS. CLARK: What's CC1?

19 MR. BITTENSON: What is CC1?

20 MR. HUNTER: Yes. On the back of mine
21 there is exhibits and there's an Exhibit CC1. It's
22 up near the very back. As a matter of fact, the
23 last. It's number, page number 11. It's the last
24 three pages.

25 Basically, in this particular document what

1 I was trying to refer to is the landfill airspace
2 calculations, et cetera, are all incorrect, as far
3 as we're concerned.

4 BFI, if you want to read into this thing,
5 is basing it on 129.3 acres and not the 215-acre
6 approved footprint. They have a 215-acre approved
7 footprint, therefore, for us, the capacities and
8 things that are reflected in the particular
9 statement that you're looking at and what they were
10 filing we believe to be incorrect. You know,
11 it's -- we're not talking 17 million tons anymore.
12 We're talking 24 million tons. And for some reason
13 they've taken this particular acreage out. And this
14 was comments that were submitted to the Biannual
15 Monitoring Board 2003/2004.

16 MS. RUBALCAVA: I would like to object
17 again on grounds of relevance. It has nothing to do
18 with the appeal before you.

19 MR. MOHAJER: So noted.

20 MR. PFAEFFLE: I second that.

21 MS. EDWARDS: Can I interject?

22 I think that what we're seeing here is the
23 fact that this packet was sent to us. And what we
24 do is, as neighbors and human beings, is to look at
25 each thing that is presented to us. And this was

1 sent to us by the LEA and we -- so we went page by
2 page and found things that were inconsistent. And
3 I -- so it seemed relevant that we point out that
4 possibly there was, at best, a little bit of
5 sloppiness going into the application could be
6 tidied up. Because that was one of the first things
7 in our packet. So this is the way we proceeded. It
8 was not with a Machiavellian intent to just go back
9 and pull up other stuff. It was just what we did in
10 response to a packet that we got.

11 MS. RUBALCAVA: We don't even know if this
12 is the packet that led to the amendment to the RDSI
13 in question.

14 MR. HUNTER: Okay. Well, I won't belabor
15 that anymore. I mean, I was just trying to point
16 you to the fact and what I tried to do is back it up
17 with some documentation to say that yes, we saw a
18 problem with what was there. The LEA saw the same
19 problems and they thought that they had corrected
20 all those problems. And I'm saying that they didn't
21 catch those problems. And so we've submitted
22 additional documentation to support that.

23 If we go to the next letter, item one,
24 finding the amendments consistent with the EIR and a
25 state clearing house 897120 approved November 30,

1 1993, is not valid. Construction and demolition
2 tailings were not discussed or analyzed in the
3 referenced EIR.

4 Okay. So we're going back to this letter
5 of Gerry, to Frank Kiesler dated August 12th, 2005.

6 And in item three of that same letter the
7 finding that the amendment is consistent with the
8 terms and conditions of the current SWFP is not
9 valid. The SWFP has no provisions for this type of
10 ADC. There is no analysis and it only speaks of
11 green waste that can be taken in the future. So
12 that was for section one.

13 Moving to section three, DOHS, Ken Murray
14 the Solid Waste Facilities Hearing Board dated
15 September 21, 2005. The DOHS indicated that the LEA
16 also found that the State approved ADC did not rise
17 to the level significance that would require the
18 approval process and we don't believe that that's
19 factual.

20 The ADC can have a very significant impact
21 on the environment without benefit of any
22 procedures, protocols or analysis environmental
23 document and without any public input.

24 So, again, that's our position.

25 Moving to section five of the agenda. And

1 this is supplied by BFI, Frank Kiesler, general
2 manager. He supplied GB 100/G 102-37 dust abatement
3 program dated July 15, 1998.

4 And on page 30 of that document, number one
5 says, quote, "The final fill slopes will be
6 concurrently reclaimed and revegetated and lists of
7 detail."

8 And on page 30, number two says, quote, "A
9 temporary vegetative cover will be established on
10 all slopes and other areas that are to remain
11 inactive for a period of longer than 180 days."

12 MS. RUBALCAVA: I would like to renew my
13 objection that this has nothing to do with the
14 approval of ADC of C & D tailings as alternative
15 daily cover.

16 MR. MOHAJER: Objection by BFI is noted for
17 the record.

18 MR. HUNTER: Okay. If I could at least
19 respond to these things.

20 The reason that we're doing this is this is
21 documentation that is submitted. And as part of
22 this submission, they are submitting -- when it goes
23 to the windy conditions and things that exist in the
24 area and the dust created by the diesel combined
25 with, you know, the potential for the asbestos,

1 these are the things that, again, the community has
2 concerns about.

3 And again, this was submitted to say, well,
4 yes, there's windy conditions over here, but don't
5 worry, guys, we've got it all taken care of because
6 we're revegetating the landfill, so there's no
7 problems with the dust and stuff like that. We're
8 doing dust suppression.

9 We're saying, well, okay, you're making
10 these comments, so, therefore, we're addressing
11 those issues and saying, wait, this is nice, it
12 looks nice in writing, but in reality what we see as
13 a community doesn't happen. Okay?

14 Again, you know, so this is why we're
15 addressing them.

16 But based on that, we say that the final
17 fill slopes are not done. BFI avoids final
18 elevations on the county side.

19 The NVC is submitting comments to the
20 proposed new county CUP on pages nine and ten. I
21 attached that in NVC Exhibit AA, NVC Final -
22 Regional Planning Hearing January 12th, 2005.
23 Because I wanted you to see that they're saying this
24 great stuff and we've been commenting on this that,
25 hey, it's not happening. And so I've put that

1 information in there so you could see that.

2 Past DOHS inspector Rich Lang expressed
3 concerns that other inter rim areas could not be
4 successfully revegetated. His concern was sometimes
5 the interim revegetation, you know, if you don't
6 seed it -- if you seed it down at the wrong time of
7 year, it's too hot, it doesn't grow. There's
8 problems.

9 The BFI has problems doing interim
10 revegetation on this landfill. And again, you know,
11 for the record, it's located in Newhall/Saugus Pass
12 and, basically, it's a wind tunnel. There's two
13 passes of the transverse ranges. One of them is the
14 Newhall/Saugus Pass. So we get about five months of
15 horrific winds coming through there, again the
16 Santa Anas and things like that. Winds from -- the
17 air moves from the upper desert down into the
18 Los Angeles Basin. So we have winds even on 100
19 degree day, you can sit there and watch the top of
20 the palm trees are moving. You know, the air is
21 always flowing backwards and forwards between the
22 interior valleys and the Los Angeles.

23 So, you know, for us, the revegetation was
24 a very important thing to help keep the dust down
25 and something that was not happening.

1 And Richard, as is said and pointed out
2 that it wasn't working very well, in his opinion.

3 Also, if you want to look at the cut slopes
4 outside the landfill waste brim. BFI has been
5 unable to revegetate these.

6 And the NVC has also submitted comments to
7 the new county CUP pages nine and ten. You can also
8 look and see what those comments were that have
9 already been submitted again to the new county CUP,
10 because we're having problems with what these guys
11 are doing.

12 Gerry Villalobos has been informed by the
13 NVC as recently as September 2005 that he needs to
14 keep up with the grid monitoring of areas that are
15 to remain inactive for a period of longer than 180
16 days.

17 Now, Richard Lang was very good about
18 keeping this up-to-date and I personally am
19 concerned that this is not happening. We haven't
20 seen an update for quite some time as to what the
21 status is. Because we feel this is one of the
22 methods by which the LEA can ensure that BFI is
23 doing what they're supposed to do.

24 And I have a late 2004 aerial and I'm going
25 to talk about the -- up here. And here is the

1 landfill sitting up here. I talk about the
2 vegetative state. All of these areas up here,
3 there's no vegetation on these cuts up here
4 especially. They can't do anything about them.
5 They're not being done. So we're saying not just
6 the landfill itself inner rim, also these slopes up
7 here, there's nothing on them and it's been years.

8 Again, we're also looking, you know, again
9 this is the pass comes through this area right in
10 through the 14 and the 5 and that's where our winds
11 are blowing. It's predominantly to the south most
12 of the year bringing it over the residential area
13 and also carrying it over the water supplies for
14 Los Angeles, out of the Los Angeles Reservoir.

15 That area actually, the processing and --
16 is for about 17 to 19 million people. This is water
17 storage but they also do the MWD and everything up
18 there. So we think that water supplies, you know,
19 potentially impacted by anything that's carried off
20 of the landfill as well. But that's the area.

21 So those are not revegetated at all. Great
22 concern to us and we have made numerous comments
23 under the new CUP that's being proposed.

24 All right. Page 30, number four, it says
25 the working faces will be kept contained in two to

1 three acres and if practical during high wind
2 periods will be confined to areas with minimal wind
3 exposure.

4 If the new county CUP is approved, then the
5 working face could go up to ten acres. So we're
6 talking right now about small and this is what
7 they're submitting to you. But if the new county
8 CUP goes through, it could go to ten acres. And
9 again, we've submitted comments. It's on attachment
10 NVC Exhibit AA that we submitted to the Regional
11 Planning Hearing on January 12th. Okay.

12 When the wind blows over 40 miles an
13 hour -- and I put this in because I thought it was
14 interesting -- BFI can tell because the trap on the
15 water tank located right next to the office and it
16 bangs them flaps, so they know it's 40 miles an hour
17 when that thing starts making noise. You know, 40
18 mile an hour winds are pretty extreme. And again,
19 our problem comes as also they don't have the
20 ability necessarily to forecast when these things
21 are going to happen. So even if you have some stack
22 to the side or cover something up, up comes the
23 wind, you know, what can you do about it? You can't
24 run out. You can't water it down. You know, you're
25 in trouble.

1 But there is an anapnometer that was
2 located on the old city dump and it was observed by
3 the South Coast Air Quality Management personnel.
4 Okay. It was holding steady at 100 miles an hour,
5 an estimated gusting to 125.

6 Do you realize it's gale force winds? Gale
7 force winds that we get through that pass.

8 And to be honest with you, this is a
9 personal observation, I think it's a joke when I
10 listen to the winds gusting 25 to 30 miles an hour
11 below the canyons. I'm losing 24 foot of fence
12 blowing away because they howl. You know, I tell
13 them, yeah, there's houses going by me. The winds
14 are so terrific.

15 As a matter of fact, all of the vegetation
16 in that area is predominantly bent over to the
17 south. You can actually go down there and see for
18 yourself. The winds of the Newhall/Saugus Pass.
19 The winds are so bad in this particular area where
20 the landfill is located.

21 The city does not permit C & D and the NVC
22 has submitted comments to the new county CUP on page
23 seven, condition number 19C, and that's included in
24 our Exhibit A.

25 MS. RUBALCAVA: I have to object again.

1 This is concerning approval concerning the county
2 landfill not the city landfill.

3 MR. HUNTER: Well --

4 MR. MOHAJER: What I would like to say is
5 that your objection is noted but Mr. Hunter, if you
6 would --

7 MR. HUNTER: Well, I can address that.

8 Again, we go to the fact that BFI is in the
9 process with the county of asking for a new
10 conditional use permit which ostensibly they claim
11 is going to make it like the city operation, but it
12 doesn't. And here they are taking in something that
13 they know that the city has already said, "We're not
14 going to allow construction and demolition waste."

15 So what we're saying is, you know, this is
16 incorrect. They shouldn't have even done it in the
17 first place. Yeah. They let it in. They didn't
18 apply and their Solid Waste Facility permit was not
19 current and they shouldn't have done it without
20 applying for it first. And when they were found,
21 they should have just dropped it and let it go and
22 just waited. Because if they go to a combined under
23 the joint powers agreement and they come to a
24 combined city landfill, they're not going to be
25 allowed to do it anyway.

1 So why are you out there now making
2 application to the county ostensibly to make it look
3 like the city and yet you're doing things like this?

4 And this was the point that I was trying to
5 make and why I've raised the issue. Because if the
6 city and the county combine, it should be banned
7 under the most restrictive conditions, which would
8 be the city conditions.

9 MR. PFAEFFLE: I would like to interject an
10 objection. Also the new CUP, if there is one, will
11 require a new Solid Waste Facilities permit, which
12 will obviate the whole discussion. Plus, whatever
13 the city decides is really irrelevant with regard to
14 what the current Solid Waste Facilities' permit on
15 the county side should or should not provide. Just
16 for the record.

17 MR. MOHAJER: All right. Thank you.

18 MS. EDWARDS: Would that Solid Waste
19 Facilities permit been be for a joint operation or
20 for just the county?

21 MR. PFAEFFLE: It would be --

22 MR. MOHAJER: Can I --

23 MR. PFAEFFLE: That's a discussion for
24 another day.

25 MS. EDWARDS: I can't ask that question

1 human being to human being?

2 MR. MOHAJER: I'm trying to have some
3 order.

4 MR. HUNTER: Chairman, I'm sorry. But
5 again, in trying to make the point in the nexus with
6 what we're talking about, you've got these people
7 saying one thing to another body, making a claim
8 that this is what they are trying to do in
9 submitting documentation when they're fully aware of
10 what is available in the city and yet they're
11 ignoring these things.

12 If I gave you a copy of our complete
13 submission, we go into areas where they cherry
14 picked conditions and stuff like that. They omitted
15 stuff. This is our point. We're over here now.

16 They're fully aware that C & D is not
17 permitted in the city and yet they are trying to
18 combine the landfill and, you know, county Counsel,
19 you know, notwithstanding his comments about it, it
20 does matter. Because if any point along the way and
21 things are changed and something gets in, we may be
22 in a position of we get them -- can get the most
23 restrictive when the two entities come together. If
24 these are weakened on the county side, then our
25 choice is between a weakened county and maybe a

1 stronger city. As opposed to if we had a strong
2 county, which we believe that we had in the first
3 place on the old CUP, okay. So we had a strong old
4 CUP and a strong city landfill, hey, we get the best
5 of those conditions. But if we weaken this one over
6 here on the county side, yes, the public is being
7 shafted. Okay? And this is what this goes to.

8 And we have submitted legal on this
9 particular item, okay, with the county CUP.

10 So I find a nexus with what is going on
11 over there and what they're doing here. So -- and
12 this is all that I tried to bring out in these
13 comments that I have supplied.

14 Now, I mean, if you're prepared, I'm
15 prepared to go through all of these, you know, as
16 supplied by Frank Kiesler, general manager with the
17 hazardous waste exclusion program. And it was an
18 excerpt from Falcon Transfer.

19 MR. MOHAJER: Mr. Hunter, if I could
20 interrupt. We would be able to read this. If
21 you -- you know, if there is anything else that you
22 would like to state.

23 MR. HUNTER: Well, at this point, and, you
24 know, forgive me, I didn't know exactly what you
25 wanted to do, if you were prepared at this point, if

1 you wanted to make some decisions or something like
2 that.

3 MR. MOHAJER: We are not going to make a
4 decision today.

5 MR. HUNTER: This is for the record. I did
6 submit this. And usually we, you know, again, not
7 knowing what your procedure was and how formal you
8 were, a lot of times we were asked to make a
9 submission, you know, one week before so that, you
10 know, the board can have an opportunity to read
11 something before we go. In this particular
12 instance, we were not. It was kind of like we
13 didn't know what to expect here. Okay? And so we
14 came with prepared as BFI did because, you know, I'm
15 seeing their documentation coming now.

16 If you're prepared to continue this so that
17 you have an opportunity to read these things and
18 then we have an opportunity to respond to what BFI
19 has said and have another hearing, then I would be
20 prepared not to --

21 MR. MOHAJER: Okay.

22 MR. HUNTER: Because these are important.

23 MR. MOHAJER: Sir, answering your questions
24 for the record, I'm not prepared to make a decision
25 today. I'm talking on my behalf. Because I can't

1 read stuff and make a decision while I'm speaking.
2 So you would know that and I would assume other
3 board members feel the same way.

4 MS. CLARK: I agree.

5 MR. MOHAJER: So any other things that you
6 need to indicate?

7 MR. HUNTER: Okay. Well, then, I will sort
8 of try to summarize it and with the understanding
9 that you will not make a decision today, that you
10 will take this under advisement and --

11 Okay. But, basically, in talking, you
12 know, we have some questions about, you know, the
13 material that was actually going to Falcon, for
14 instance, where it was located. We looked at what
15 they were taking. We also looked at actually even
16 the homes, for instance, that were being demo'ed in
17 the area. Okay? And what we found was that the
18 potential for asbestos contamination in their own
19 waste stream is extremely high. And so that was,
20 you know, the next item that I had.

21 Also, one of the things that they had also
22 submitted, two load checks a day at Falcon. We
23 said, you know, that's hardly enough, as far as
24 we're concerned, in order to ensure that asbestos is
25 not getting into the waste stream.

1 The other really big concern is that Falcon
2 Transfer is a BFI subsidiary and there's no
3 incentive for BFI to monitor those loads when they
4 arrive at the landfill. And I -- you know, like,
5 for instance, even BFI is the one that supplied the
6 documentation for Falcon, which I thought, you know,
7 that is a little bit strange myself, but they did
8 it. But this is how tight they are together.

9 The fact that, you know -- I don't know. I
10 think the case can be made that BFI has accepted
11 C & D tailings without notifying the county and
12 would have continued had they not been caught by the
13 State inspectors.

14 Falcon Transfer is the same company that
15 dumped untreated red bag medical waste at Sunshine
16 for many months and it was only caught after the
17 county inspector found them.

18 And Mr. Villalobos has also ordered a
19 contaminated loads at C & D that he's discovered
20 there put into the landfill and not used as ADC.

21 So again, BFI was never in the forefront of
22 bringing any, any of these examples to the attention
23 of the authorities.

24 In other words, it was, you know, the LEA,
25 the State that found out that they were doing

1 something wrong. And so given these kind of
2 situations, why would the county expect BFI to
3 monitor this?

4 Okay. Now, we've talked about -- and I did
5 talk to Ken Murray regarding some information. One
6 of the arguments is well, you know, Falcon has a
7 program where they guarantee they don't have
8 asbestos.

9 Well, you know, I looked at their program
10 and I go, come on. You know, I'm an intelligent
11 person. I can't tell asbestos. I lived in a house
12 that had asbestos and I had no idea and neither did
13 my neighbors. And that was the point that we were
14 bringing. We looked at their training program.

15 And almost right out of the very beginning
16 they say, you can't tell asbestos unless you look at
17 it under a microscope. They give all of this
18 training, but you really can't tell.

19 And there's nowhere in their procedures do
20 they have anything where they actually do a
21 microscopic inspection of anything. So all of these
22 finds that are coming out of that process and that
23 are on there that are going in with the waste that's
24 coming over, they don't take it and analyze it and
25 look at it and say, "You know what, it is free,

1 therefore it's okay."

2 So they're just taking it on, well, we've
3 got a training program and, et cetera, and we
4 guarantee it doesn't. Well, you know, good luck.
5 Because I don't put my kind of faith in people like
6 that and the people that are receiving it I don't
7 believe can be trusted to monitor the fact that if
8 the loads were bad that they're going to point this
9 out.

10 Again, you know, a lot of other issues that
11 we had. And, again, I will conclude, basically, as
12 far as we're concerned, you know, 27 CCI 20690
13 paragraph A and B, our point is that the burden that
14 the ADC can do what it's supposed to do should be on
15 BFI, you know, to -- that it does not present a
16 threat to human health and the environment. And
17 this is the kind of testing, you know, because you
18 do have to comply with A. Okay. And we realize
19 that, you know, B is in there and it's kind of one
20 of these things you can kind of flip around on. We
21 believe that it's incumbent upon -- I'm sorry. Oh,
22 I'm sorry.

23 MS. RUBALCAVA: That was absolutely
24 clearing my throat. Nothing more.

25 MR. HUNTER: I sometimes make little sounds

1 when people are talking. I wasn't sure if that was
2 a disbelief sound she was hearing. I wanted to give
3 an opportunity. I'm sorry.

4 Again, we believe they still have to comply
5 with subdivision A of that thing. And BFI has not
6 shown that this ADC doesn't pose a threat to human
7 health and the environment in this specific, site
8 specific case. Again, this may be fine for some
9 remote site landfill sitting out in the middle of
10 the desert. They're not subjected to the conditions
11 that we are. But where we live in its proximity to
12 an urban area and we're, you know, in the prevailing
13 winds and the winds are excessive in this area, we
14 believe that this requires, you know, a much closer
15 review of rather than just go out there and cherry
16 picking some off of some State-approved list of
17 alternate daily covers and then giving them the
18 blessing to do this. There has to be a
19 site-specific analysis. There has to be testing
20 done.

21 The other thing that is a real concern was
22 that when you approve this and their argument is,
23 well, Falcon has these things. When you approve
24 them to accept this, this is not limiting just to
25 Falcon Transfer. This then opens it up to all other

1 companies. Other companies do not have programs,
2 the same sort of programs. You don't have the same
3 sort of guarantee.

4 So therefore, we're saying you can't say
5 this is good because Falcon is the guy, Transfer is
6 the guys that are doing this. It opens it up to
7 everybody.

8 So anyway, we believe that it's not an
9 appropriate alternative daily cover given the
10 potential for contamination of the C & D combined
11 with the effects of the dust and the diesel traffic
12 and the windy nature of the site which can carry
13 pollutants and pose a threat to human health and the
14 environment.

15 Thank you.

16 MR. MOHAJER: Just one question to
17 summarizing, basically.

18 I was looking at your August 20th letter.
19 So would you rephrase specifically the last
20 conclusion you read?

21 Are you --

22 What are you asking this board to do? Very
23 specifically. In making it in one sentence. I
24 don't want to go with a paragraph and that sort of
25 thing.

1 I'm very serious. I just want to know.

2 Because I read this letter too. I read that.

3 You have asked for the hearing. So what
4 specifically Coalition is asking this board?

5 MS. EDWARDS: I get to answer this one.

6 I believe that we're having to trust this
7 board to make a decision, looking at the evidence
8 that we have presented today, to trust this board to
9 put in every measure that will protect us from
10 something that could be a potentially lethal
11 environment.

12 Also, I would like to have the board look
13 at the procedures that go into approving these ADCs
14 so the public can become more involved and they can
15 make site-specific recommendations rather than just
16 taking something from the list in Sacramento.

17 MR. MOHAJER: So --

18 MR. HUNTER: In short form would be to
19 reverse. In other words, to reverse the approval as
20 given by the DOHS and deny the use of this
21 particular alternate daily cover.

22 MR. MOHAJER: So repeating, because, see, I
23 was getting confused that you're okay with the ADC
24 as long as certain procedure takes place. But
25 that's not the question Mr. Hunter mentioned that

1 the -- you are asking the hearing board to
2 disapprove the use of C & D as ADC at this facility.

3 MS. EDWARDS: I think that, basically, what
4 it comes down to, certainly in this particular case,
5 the disapproval would be good because of the fact
6 that the city and that have problems with what is
7 going to go forward is a joint operation.

8 But conversely, I think that it goes to the
9 greater issue of how we protect people from and make
10 site-specific decisions and how we can involve
11 people in procedures that are never, have never been
12 analyzed at any stage of the EIR process for all of
13 these ADCs so that we can set a general tone that
14 people feel comfortable when one of these is
15 approved, that it will take their particular needs
16 into consideration and they will have some input
17 into the procedure rather than having it declared by
18 fee at as to be under a level of significance.

19 I think this is the greater picture that we
20 hope for for the county and yet specifically we are
21 very concerned about this individual case. And
22 anything you would do to modify it would be, you
23 know, like looking at this little house and
24 forbidding all of these kinds of things would be
25 great.

1 But we have to put our lives and fortunes
2 in the hands of the committees like this and ask you
3 to please just use your best judgment.

4 MR. MOHAJER: Thank you very much.

5 So the next one is BFI.

6 MS. RUBALCAVA: BFI. Thank you.

7 Well, like Mr. Hunter, this proceeding was
8 new to me too. And, evidently, it's new to the
9 board.

10 It looks like these types of hearings have
11 just gone into effect in the beginning of this year.
12 So I didn't quite know either what to do and how to
13 prepare for it. So what I did was I've gone back
14 and looked at the procedures that are put forth for
15 approval of these sorts of actions and the
16 procedures for your hearings and I've fashioned my
17 arguments along those lines.

18 I would like to just start though to
19 respond to Mr. Mohajer's question to the North
20 Valley Coalition when you asked them, "What would
21 you like us to do?" I think if you look at that,
22 the question and look at what they're telling you,
23 what they're asking you to do is ignore the
24 procedures that have been established by the State
25 for the use of alternative daily cover and for the

1 ways in which alternative daily cover is used,
2 approved for use at an individual landfill.

3 You know that the Integrated Waste Board
4 has adopted regulations that call for, encourage
5 alternative daily cover as part of meeting the
6 AB 939 mandates. They have gone through notice and
7 public comment rule-making to adopt the regulation
8 that Mr. Hunter mentions, 20690, that looked into
9 different types of materials and determine that
10 certain types would be suitable for use as ADC.

11 The public had the opportunity to comment
12 on those and they adopted a regulation that says if
13 you are one of the listed types of ADC then what the
14 operator does is apply for authorization to use that
15 material and it's approved by the LEA. They have
16 not provided for a second public notice or public
17 hearing process for that.

18 So you're really being asked here by the
19 North Valley Coalition to graft on a whole new
20 procedure to that set of regulations that's already
21 been adopted.

22 Now, I wanted to go back and start by
23 giving you a little bit of a background of what this
24 particular material is and how we got to this place.

25 Falcon did approach the landfill at one

1 point with certain types of processing material,
2 processed material that they were using at their
3 facility or creating at their facility and they
4 asked Sunshine Canyon if they would be willing to
5 use it as alternative daily cover. A load of that
6 material was brought to the landfill for inspection
7 by the then LEA Richard Lang. He looked at the
8 material and thought that it fit within the
9 definition of green waste material and on that basis
10 asked BFI to amend the RDSI to allow the use of that
11 material as ADC. And upon approval of that
12 amendment to the RDSI, the material started to come
13 to the site. So and it --

14 MS. CLARK: Can we interrupt?

15 MS. RUBALCAVA: Yes. Please do.

16 MS. CLARK: Did you say it was C & D that
17 was, he was saying green waste?

18 MS. RUBALCAVA: The materials that we're
19 talking about when he looked at them, he thought
20 they fit within the definition of green waste.

21 MS. CLARK: And was there C & D in there?

22 MS. RUBALCAVA: Actually, it comes from
23 storm drain catch basin debris.

24 MS. CLARK: Okay.

25 MS. RUBALCAVA: You know how they clean out

1 all of that and then they processed all of that and
2 brought that to the landfill. He felt that it fit
3 within that definition.

4 Okay. And so on that basis, BFI filed the
5 amendment to the RDSI. It was approved and the
6 material started coming to the landfill in 2003.

7 MR. MOHAJER: What was the date on that?

8 MS. RUBALCAVA: That was, if you look in
9 your --

10 MR. BITTENSON: 2003.

11 MS. RUBALCAVA: -- notebook it's tab A and
12 that was approved June 3rd, 2003.

13 I've tried to provide support for the
14 things that I'm telling you so you have documents to
15 look at.

16 MR. MOHAJER: Well, all right.

17 MR. BITTENSON: It's 2003.

18 MR. MOHAJER: All right.

19 MS. RUBALCAVA: Now, subsequently, a
20 different inspector also doing an inspection at
21 Falcon determined that Falcon was calling it C & D
22 but BFI was calling it green material at Sunshine
23 Canyon. And so to be consistent, the inspector
24 suggested that it would be appropriate to amend the
25 RDSI to now refer to it as C & D but it was the same

1 material.

2 MS. CLARK: Why would Falcon call it C & D
3 if it was just out of the storm drain?

4 MS. RUBALCAVA: I don't know the answer to
5 that. Perhaps Frank, do you know that?

6 MR. KIESLER: I believe over time when the
7 process was initiated, they were -- it was debris
8 basin cleanout they were processing and over time
9 they expanded it to include C & D but that wasn't
10 reported to the landfill that they were changing
11 their process.

12 MS. CLARK: It wasn't what?

13 MR. KIESLER: It wasn't reported to the
14 landfill.

15 MS. CLARK: So they added C & D in with the
16 storm drain debris?

17 MR. KIESLER: Correct. Correct.

18 MS. CLARK: Okay.

19 MS. RUBALCAVA: So at that point we, the
20 landfill was requested to apply for an amendment to
21 the RDSI, which they did. And then that was
22 approved in 2005. And that's the appeal that we
23 have before you today. And that approval letter is
24 in tab B of the information that I provided.

25 Now, in terms of filing this particular

1 appeal, if you look at the letter filed by the North
2 Valley Coalition, it is very limited. It is the
3 appeal of this August 2005 decision.

4 And so when I looked at the procedures that
5 need to be followed, and they're set out in Public
6 Resources Code Section 44300 through 310 and
7 Mr. Hunter cites those procedures, so we know he's
8 looked at them too, it really says a number of
9 things.

10 MR. MOHAJER: One exception. Mr. Hunter
11 has referred to it as a Title 27 but it should be
12 Public Resources Code, just for the record.

13 MS. RUBALCAVA: Thank you.

14 So we assume he's aware of those procedures
15 too.

16 And one of the things is that an appeal of
17 a decision must be filed within 30 days from the
18 date the person discovered or reasonably should have
19 discovered the facts on which the allegation is
20 based. And that's found in Section 4310, 44310
21 (A-1) and (A-1 B).

22 Now, what I've told you is that BFI has
23 been using this material since June of 2003 and that
24 was pursuant to an approved amendment to the RDSI.
25 We have evidence and it's, I think, undisputed that

1 the North Valley Coalition has been well aware of
2 the use of this material dating far back, you know,
3 into this year.

4 If you look at tab C you will see that
5 there is -- there are the minutes of the Sunshine
6 Canyon Community Advisory Committee. That's for the
7 county landfill of which Mr. Hunter is a member.

8 And if you'll look kind of midway down
9 there's a little box around one of the notes. The
10 LEA is reporting on the joint State and local
11 inspection of the facility on April 2nd and that it
12 was during that facility inspection that the issue
13 of what we should -- what should -- this material
14 should be called should be called green waste or
15 C & D. That issue was brought to BFI's attention at
16 that April 2nd inspection.

17 So on May 12th the community is informed of
18 that particular decision and it's discussed and they
19 asked for a full report by whoever they referred to
20 as the head LEA.

21 The next tab is the next Community Advisory
22 Committee Meeting and this is set for July 14th.
23 They meet every two months.

24 Is that correct, Frank?

25 MR. KIESLER: Uh-huh.

1 MS. RUBALCAVA: Yeah. Every two months.

2 And again, these Community Advisory
3 Committee Meetings were set up at the request of the
4 North Valley Coalition and others so that they could
5 have a voice in operational issues concerning the
6 landfill once it became open. So it is intended to
7 provide them with a forum to raise concerns such as
8 those that they've raised here before and they have
9 raised all of the concerns probably that we've heard
10 today both at community advisory committee and in
11 the well over 60 public hearings that we've had on
12 the county landfill, the city landfill and now the
13 joint landfill together.

14 So those issues were discussed. On
15 July 14th a report was made. So they were aware of
16 these particular materials.

17 So I would submit first that this appeal is
18 not timely, because they've been aware of the use of
19 these materials for well over 30 days and so I don't
20 believe it meets the requirements for an appeal on
21 that ground.

22 Secondly, when you look at the procedures
23 for an appeal, they are required to file a statement
24 of issues. Well, we have a very short letter that
25 just says we don't like C & D because it might

1 contain asbestos and that asbestos might find its
2 way into the community which is located a mile away
3 from the county landfill. But there is no evidence
4 that supports any of that. And Mr. Hunter hasn't
5 been able to give you any evidence that either there
6 is asbestos in the particular materials that they're
7 getting or that it will find its way into the
8 community. It's just speculation. And that's all
9 we're hearing.

10 The other thing is the -- an appeal is
11 supposed to tell you how it is that either -- that
12 the LEA failed to comply with the requirements of
13 state law. So it should be saying, you know, this
14 doesn't comply with this section of the Public
15 Resources Code or it doesn't comply with a
16 regulation to which you're bound to follow, you
17 know, of the Title 27 or Title 14 and here is how it
18 doesn't comply. There's nothing in that appeal.

19 I mean, all we know is that -- and they
20 even admit that we have an approved amendment to the
21 RDSI. So I submit to you that the process has
22 worked just as it's intended to do by the State. We
23 have a system whereby when a change is made at a
24 landfill, an amendment is required to the RDSI, the
25 LEA evaluates the amendment and then there's an

1 approval.

2 So I submit to you that they can't really
3 show how it is that this particular use of ADC
4 doesn't meet the requirements.

5 If you look at 20690, it's very clear it
6 doesn't require a site specific demonstration for --

7 MS. CLARK: What is that? Look at what?

8 MS. RUBALCAVA: Title 27, Section 20690.

9 That is -- I'm sorry. I've been writing this brief
10 and I'm too familiar with this number now. That and
11 there's no reason why you should know that off the
12 top of your head. That is the State regulation
13 adopted by the Integrated Waste Management Board
14 that specifies what types of material can be used in
15 alternative daily cover and specifies the
16 performance standard which they must meet.

17 And when I talked about an adoption of a
18 regulation by the Integrated Waste Management Board
19 after public notice and comment and, frankly,
20 with -- after preparation of an environmental
21 document, because you know the State, whenever it
22 adopts a rule or regulation of general applicability
23 that has the potential to effect the environment, it
24 must go through CEQA too. So all of these
25 procedures have been followed.

1 Now, so I think the bottom line is they
2 simply have failed to give you any facts upon which
3 to base a decision. They didn't come forward with a
4 statement of issues. Their appeal is not timely.
5 And they haven't cited to you anything that the LEA
6 did wrong here. And in fact, the LEA has followed
7 all of the appropriate procedures as has BFI.

8 Now, I did want to talk about a couple of
9 things that Mr. Hunter mentioned. And one he says
10 is that when we get to the findings and order, what
11 findings are required in order to amend the RDSI?
12 One is that the proposed change that the landfill is
13 going to make has to be consistent with any
14 certified CEQA document and the North Valley
15 Coalition says that there was no such discussion in
16 the EIR for the county landfill.

17 I have included in my exhibits appendix six
18 from the draft EIR that was prepared for the county
19 landfill and this is called the Solid Waste Recovery
20 and Recycling Program. The interesting thing about
21 this particular program is it was developed in
22 response to community concerns to show that they
23 wanted more recycling.

24 North Valley Coalition and others were
25 arguing that they wanted to see a greater level of

1 recycling. And so this particular program was put
2 together, it was included in the EIR for the county
3 landfill and it goes into looking at what could be
4 done in terms of recycling of several categories of
5 waste.

6 They include yard waste, wood waste
7 inorganic material, which is described as
8 construction and demolition, and corrugated paper.
9 And those are analyzed in this appendix to the draft
10 EIR.

11 They also looked at environmental issues.
12 They also looked at air quality, odors, traffic,
13 noise and talked about the environmental impacts in
14 connection with the overall approval of the
15 landfill.

16 So yes, there is a certified CEQA document
17 for the county landfill and certified I believe in
18 1993. It was challenged by the North Valley
19 Coalition. It went all the way up, I believe this
20 one went to the California Supreme Court and was
21 upheld.

22 So we have a certified EIR that actually
23 discusses these recycled uses. It also discusses
24 the fact that they would be used as part of daily
25 operations and cover is described in there.

1 It doesn't use the term alternative daily
2 cover because ADC didn't exist at that time. But
3 it's clearly talking about using these processed
4 materials as soil amendments for cover. So it
5 clearly discusses exactly what is happening here.
6 It just doesn't use the terminology.

7 So in terms of the first finding that the
8 LEA was required to make here, that it is consistent
9 with the certified CEQA document, the truth is it
10 is. It's also consistent with the CEQA document
11 that was prepared for the -- when the rules were
12 adopted, the Section 27 20690, the State regulation
13 for alternative detail cover. The potential adverse
14 impacts of that rule-making were looked at in a CEQA
15 document.

16 I believe Mr. Pfaeffle has something that
17 he might will share with you.

18 Also, it's consistent with our land use
19 permit.

20 I included our CUP in my materials too.
21 It's in tab G. There is a condition 10 J. In other
22 words, the county requires us, requires BFI to
23 utilize waste materials received and processed at
24 the landfill, such as shredded green waste as a
25 supplement to daily intermediate and final cover to

1 the extent deemed technically feasible and
2 acceptable by regulatory agencies. Again, these
3 were conditions that were put into our CUP to make
4 us do exactly what we're doing here. So that's in
5 the CUP.

6 The proposed change is consistent with the
7 State minimum standards. I've talked about that a
8 couple of times already. But the State minimum
9 standards for alternative daily cover are found at
10 27 CCR 20690. And the procedure is just the
11 procedure we follow. You make an amendment to the
12 RDSI. It's approved. You institute the change.

13 And also, it does not conflict with any
14 term or condition of the Solid Waste Facilities
15 permit.

16 Mr. Hunter says, "Well, it's not allowed.
17 This the Solid Waste Facilities permit." But
18 Mr. Mohajer especially knows that your direction on
19 Solid Waste Facility permits are not to make them
20 terribly specific but to provide general overviews.
21 There's a direction in the State regulations to that
22 effect. So there's nothing in the Solid Waste
23 Facility permit that conflicts with this use and
24 that's why an amendment to the RDSI was appropriate
25 and why there's no need to amend the Solid Waste

1 Facilities permit.

2 So in conclusion, I don't think they
3 followed the proper procedures for this appeal and I
4 don't think they provided any facts for you to reach
5 any different decision than the LEA did.

6 Thank you.

7 MR. MOHAJER: All right. Thank you.

8 I would like to take about five minutes
9 break.

10 Is that okay with you?

11 THE REPORTER: Sure.

12 (Recess taken from 11:05 a.m.

13 to 11:24 a.m.)

14 MR. MOHAJER: Okay. We are going to go
15 back on the record. It's 11:25.

16 Mr. Hunter.

17 MR. HUNTER: Yes. I would like a chance to
18 address some of the issues.

19 MR. MOHAJER: Yes, you will, after we go
20 around, because the last part of the deal. I --

21 MR. HUNTER: Thanks.

22 MR. MOHAJER: The next item is the LEA.

23 MR. PFAEFFLE: Mr. Chairman, are we going
24 to give an opportunity to the North Valley Coalition
25 to respond to BFI before we --

1 MR. MOHAJER: Yes. Later on.

2 MR. PFAEFFLE: Afterwards?

3 MR. MOHAJER: Right.

4 I would like to go around based on what we
5 discussed.

6 MR. PFAEFFLE: Okay. My name is Fred
7 Pfaeffle. I represent the LEA and I just want to
8 pick up on a few points that BFI has raised in its
9 presentation and then I have some questions that I
10 think might be dispositive and might be very helpful
11 to this panel in reaching a decision.

12 In particular, I'm very interested in what
13 BFI's statement was that the appeal is not timely
14 under 44310 B.

15 Under 44310 B of the Public Resources Code
16 it is stated that the -- if the hearing request is
17 made by a person alleging that the enforcement
18 agency failed to act as required by law or
19 regulation or pursuant to Section 44307 of the
20 Public Resources Code, the person shall file a
21 request for a hearing within 30 days from the date
22 the person discovered or reasonably should have
23 discovered the facts on which the allegation is
24 based.

25 So it seems to me if the North Valley

1 Coalition or its representatives discovered or
2 reasonably should have discovered the facts on which
3 their allegations are based for this hearing prior
4 to -- I'm looking at the August 20th, 2005 letter of
5 the North Valley Coalition, so that would place it
6 on or about July 20th, 2005. And this appeal should
7 be found untimely is my thinking at this point.

8 Now, I'm looking at --

9 MR. MOHAJER: This appeal should be found
10 untimely?

11 MR. PFAEFFLE: Untimely. And therefore, it
12 should not be considered.

13 And I'm looking at the packet that the
14 North Valley Coalition submitted to this hearing
15 board and attached to it are some e-mails that were
16 provided -- there is an e-mail from Mr. Villalobos,
17 who is here today who could confirm that, in fact,
18 he sent it on that date.

19 I'm sorry. From Mr. Bill Marciniak of the
20 California Integrated Waste Management Board who is
21 here today provided to Suzanne Hamilton.

22 Correct?

23 And it provides the exact procedures for
24 the appeal that we have here today. It suggests
25 that there was some communications to

1 representatives of the North Valley Coalition as
2 early as July 15th, 2005. And I'm also looking at a
3 document that was submitted by BFI. And I
4 apologize. I don't remember what exhibit the black
5 binder --

6 MS. TAYLOR: It's BFI Exhibit 1.

7 MR. PFAEFFLE: BFI Exhibit 1 for BFI and
8 I'm looking at tab D, as in dog, where there is --
9 there are minutes of a meeting held on July 14th,
10 2005, where there are specific discussions with --
11 that are documented or purport to be documented in
12 these minutes with Mr. Wayne Hunter, who is present
13 here today, that specifically discuss the appeal.

14 So if I'm looking at these documents, I
15 don't know, perhaps we can ask Mr. Hunter what his
16 mind set and understanding is of when -- of what
17 facts he knew at the time to see if, in fact, they
18 should have -- whether the use of the ADC that is
19 being appealed here today was, in fact, discovered
20 or reasonably should have been discovered as early
21 as the 14th of July of 2005 but perhaps before that.

22 MR. MOHAJER: Well, let me ask you a
23 question, Mr. Pfaeffle. There is a letter from the
24 LEA to Mr. Fesler dated August 12th, 2005, which
25 formally approved the use of ADC in this package, in

1 the agenda package, tab one. The letter is dated
2 August 12, 2005, and the North Valley Coalition is
3 dated August 20, 2005, which is within eight days.

4 MR. PFAEFFLE: Well, yes.

5 MR. MOHAJER: So are you raising the issue
6 on the basis that North Valley -- that the coalition
7 should have known?

8 MR. PFAEFFLE: I'm reading the language of
9 the statute, so I am raising that issue.

10 MR. MOHAJER: Right.

11 Okay. Thank you.

12 MR. PFAEFFLE: So am I permitted to ask a
13 question of Mr. Hunter?

14 MR. MOHAJER: Yes.

15 MR. PFAEFFLE: Mr. Hunter, were you present
16 at a meeting on July 14th, 2005, that is evidenced
17 by the minutes shown on Exhibit -- excuse me, on tab
18 B, Exhibit 1?

19 MR. HUNTER: Tab, we're talking about
20 BFI's?

21 MR. PFAEFFLE: BFI. Correct.

22 MS. EDWARDS: I was there also.

23 MR. HUNTER: Yes.

24 MR. PFAEFFLE: Have you had a chance to
25 read the minutes?

1 MR. HUNTER: Yes.

2 MR. PFAEFFLE: Is there anything contained
3 on tab D of Exhibit 1 that you found to be
4 incorrect? It's not reflected at what occurred at
5 that meeting.

6 MR. HUNTER: No. That's -- although the
7 minutes are not perfect, there's also the C & D
8 notation in here is not on the original minutes that
9 we received as members of that board. This is an
10 insert by somebody from BFI.

11 MS. EDWARDS: Subsequently.

12 MR. HUNTER: Subsequently.

13 By the way, I'm just saying, these are the
14 minutes of the meeting, but this is an amendment to
15 that which is not present before. Of the C & D.

16 Mary was questioning what was happening
17 with the different materials, exactly what somebody
18 inserted C & D.

19 MR. PFAEFFLE: There is a statement on page
20 two of that, those minutes that states, "Gerry
21 Villalobos stated you would have to file an appeal
22 through the proper channels and he would notify
23 Wayne Hunter as to how to file the appeal."

24 Is --

25 MR. HUNTER: Correct.

1 MR. PFAEFFLE: Is that correct?

2 MR. HUNTER: That's correct.

3 MR. PFAEFFLE: So did you know as of that
4 date that you needed to file an appeal for the use
5 of alternative daily cover?

6 MR. HUNTER: It was not the use of. If you
7 go back -- and this is what I wanted to address with
8 BFI's statement by their attorney. I was very
9 specific about what I said. Okay.

10 We first learned that the LEA had given us
11 approval on August 17th as a result of a call. In
12 other words, you can't appeal something that hasn't
13 happened. It was not the use of the, it was the
14 approval, the subsequent approval.

15 We spent many months prior to that trying
16 to get the LEA to stop the use of that material
17 until such time as the RDSI had been amended and
18 approved. Okay? We went through that. They only
19 ended up stopping it a week or so before you finally
20 approved it.

21 Okay? But we weren't told that it had been
22 approved. We had no knowledge of that. No
23 notification.

24 Only by virtue of a call that was made on
25 August 17th, 2005, did we find out that there had

1 been a prior approval, okay, by DOHS. So you can't
2 approve something that you don't know has been
3 approved. Plus, we had spent months just trying to
4 get these guys to stop using the stuff until it came
5 up.

6 Now, there is no public process for, okay,
7 participation for the public in that decision. So
8 what was I going to do? You can't go up and say,
9 we're already saying "Don't use it, Don't do it,
10 Don't go through" --

11 MR. MOHAJER: Mr. Hunter, I understand and
12 I just want to also go on that basis that official
13 notification of approval based on this, the writing,
14 was August the 12th to BFI. You appealed the
15 decision on August the 20th.

16 Mr. Pfaeffle, for the record, stated that
17 you should have known. And you indicated, well, you
18 could not file an appeal because there was no --

19 MR. HUNTER: Decision.

20 MR. MOHAJER: Thank you.

21 MR. HUNTER: I'm sorry. I should have said
22 that much better.

23 MR. PFAEFFLE: Actually, my position is
24 that there was a decision as he admitted where he
25 tried to or the North Valley Coalition attempted to,

1 as Mr. Hunter states, force the -- or persuade, I
2 think that's what he meant, the LEA to force the BFI
3 to stop the use for a number of months prior to the
4 formal approval. And my position is that under
5 44310 B of the Public Resources Code that makes the
6 appeal untimely.

7 MR. MOHAJER: Okay. But let me play a
8 double role. Now, the use of ADC -- I mean C & D as
9 ADC was not approved. The regulation were not
10 adopted until July 23rd of 2005. But BFI, at least
11 the document is submitted, were using the C & D and
12 that's the reason why the Waste Board has cited, at
13 least indicated to BFI in their letter, it's not the
14 correct one, that the permit that you need to get
15 approval for use of C & D as an alternative daily
16 cover. So this is at least playing, as I said,
17 playing a double role. So you may want to consider
18 that part also as an overall picture.

19 MR. HUNTER: Yeah. Again, how can you
20 appeal something or respond to something that hasn't
21 occurred?

22 There is a process going on. We had to
23 wait at some point.

24 And again, I want to point out, you did
25 this on the 12th, but we still weren't notified, we

1 were not informed by DOHS. And Gerry knew this was
2 a great interest to us. It was only by a call on
3 the 17th that we found out that it even occurred.

4 As soon as we found out, then we filed it.
5 It took us a couple of days to get the stuff
6 together. I had to get the information from Gerry.
7 He actually supplied the code that I was supposed to
8 go under. That information was supplied by DOHS.
9 Because again, they were supposed to give us
10 information on how to file an appeal. These people
11 are doing it. We wanted it stopped. DOHS didn't
12 stop it. Okay. And they're saying that they need
13 to get approval.

14 Okay. So we waited until the process was
15 approved and then we said, "Okay. Now we can come
16 in."

17 Because as I said, there's no way for the
18 public to participate in that process prior to that
19 point in time. This was strictly between the
20 landfill operator, the State and you as the LEA.
21 There is no part that allows us to come in and say,
22 we were just jumping up and down saying we think you
23 guys ought to stop doing this because it isn't right
24 and they don't have it in their solid wastes
25 facilities permit.

1 At the point it was approved, then we could
2 now get into the process and say, okay, we are now
3 allowed to file.

4 This is when we found out on the 17th that
5 you had approved this on the 12th. And we
6 subsequently filed the appeal on the 20th.

7 MR. MOHAJER: I just want to make one
8 correction. I referred to the date of adopted the
9 regulation. I said July 23rd, 2005. It's
10 July 23rd, 2004. For the record.

11 Go ahead, Mr. Pfaeffle.

12 MR. PFAEFFLE: I just want to point out the
13 language of the minutes were the North Valley
14 Coalition is told specifically on the 14th -- July
15 14th, 2005, that they would have to file an appeal.
16 And it wasn't filed until after 30 days following
17 that date.

18 I think under the 44310 B language there
19 needs to be a serious consideration whether it was
20 timely filed and we feel it was not.

21 MR. MOHAJER: Okay. Thank you.

22 MS. CLARK: In the same minutes it says,
23 July 14th, it says -- the question was if the
24 application had been submitted to the county and
25 Gerry Villalobos said the application had been

1 submitted and had not yet been approved.

2 So I'm confused now.

3 MR. PFAEFFLE: Well, the language of the
4 Public Resources Code does not say it's 30 days from
5 the approval. It goes beyond that and it says 30
6 days from the date the person discovered or
7 reasonably should have discovered the facts on which
8 the allegation is based.

9 The facts on which the allegation is based
10 were clear before the 30 days. That to me is
11 evident based on the evidence that's on the record.

12 If they have to wait for the approval,
13 that's not what the language of the statute says.

14 MS. CLARK: So they could have filed it
15 several months ago, you're saying, even though it
16 wasn't approved?

17 Why would you file an appeal if something
18 wasn't approved?

19 MR. PFAEFFLE: They on as early as this
20 date, based on these minutes, it was clear that they
21 were told they had to file an appeal.

22 MS. CLARK: Where does it say that?

23 MR. PFAEFFLE: It's on page two of tab D of
24 Exhibit 1, the ninth full paragraph where
25 Mr. Villalobos stated you would have to file an

1 appeal through the proper channels.

2 MS. RUBALCAVA: They were alleging that the
3 material was being used without approval at that
4 time. And they were told to appeal that decision,
5 that they were aware of the facts and that's what
6 the statute says.

7 MR. HUNTER: That is an incorrect
8 statement.

9 MR. MOHAJER: Okay. So --

10 MS. RUBALCAVA: What about it is untrue?

11 MR. HUNTER: That was not what was
12 expressed to us at that particular meeting. You're
13 placing a -- this is not a court reporter notes.
14 Okay. This is just basic summaries of things that
15 happened. Okay? And you know you're placing a lot
16 in the wording.

17 The discussion was that this material was
18 being used. We had all talked about it. We were
19 trying to get DOHS to stop it. They said they had
20 an application in and that if we wanted it in, we
21 would have to appeal it. Okay? They were in for
22 approval. That's exactly what they talk about.

23 So when we found out it was approved, we
24 appealed. And we didn't find out until the 17th and
25 not through notification. Nobody told us. We just

1 found out by accident. That was what was explained
2 to us.

3 Gerry is the one that supplied the, as I
4 said, the Public Resource Code to us, et cetera. He
5 was the one that gave us the information. But you
6 can't do it before there's something happening. And
7 that thing that you're talking about is not that
8 conversation, the way that you characterized it did
9 not happen that way.

10 MS. RUBALCAVA: So your concern initially
11 was that they were not, they hadn't gotten proper
12 approval pursuant to the regulations. And once they
13 got proper approval, then you're appealing the use
14 of it. Because it's the use that's bothering you
15 all along and it's the use you've known about for a
16 long time.

17 MR. HUNTER: That's correct. I agree.

18 MS. RUBALCAVA: And that's the agreement
19 Mr. Pfaeffle is making.

20 MR. HUNTER: But again, we were working
21 with DOHS. We didn't know that it was going to be
22 approved. We didn't know what was going to happen.

23 And then when it was, then we reasonably
24 said, okay, we'll file the appeal. We have an
25 issue.

1 MS. RUBALCAVA: So your issue was never a
2 procedure wasn't followed.

3 MR. MOHAJER: Excuse me. I would like to
4 have some order.

5 And so before we go further, Mr. Bittenson
6 has a question also. But before Mr. Bittenson asks
7 the questions, for the record, the question was
8 raised by Ms. Edwards as to whether Mr. Bittenson
9 can make a decision. I don't know exact wording
10 that was used, so I would leave that one to
11 Mr. Bittenson to respond.

12 Also, for the record, I have been involved
13 with the Sunshine Canyon Landfill, this particular
14 landfill, since 1983 and I continue to be involved
15 with the issue even to this day and not as -- at the
16 same capacity, but speaking for myself, the decision
17 I'm going to be making is going to be based on the
18 facts and also based on what has happened and what
19 is provided to us.

20 MR. BITTENSON: Mary, in response to your
21 question can I be objective? Absolutely, I can be.

22 MS. EDWARDS: Good.

23 MR. BITTENSON: Even go back to the
24 articles that I wrote to the news about some of the
25 things that were going on, including the

1 recommendation if they found an alternative to the
2 disposal, use it and don't use Sunshine anymore.

3 I have no connection with them. I haven't
4 had for ten years. It's been almost ten years since
5 I retired from them.

6 MS. EDWARDS: We've been through so much
7 together in all of those years.

8 MR. BITTENS: The -- there's some
9 confusion in my mind.

10 In your appeal it is my understanding that
11 you are appealing the approval of the use of C & D
12 residuals as ADC.

13 Is that correct?

14 MS. EDWARDS: Yes.

15 MR. BITTENS: Okay. The appeal was
16 issued. The appeal was issued on the 12th of
17 August. Excuse me. A permit was issued on the 12th
18 of August. Approval. Your request came out on the
19 20th. I think that's within the period of time for
20 the issue that you have brought before us. Not any
21 issue that you might have had with the LEA as to
22 whether or not there was knowledge of a problem in
23 your eyes that they were accepting something and
24 didn't. That time may have passed. But I don't
25 think that that's what's before us. Because that's

1 an LEA issue in adherence to permits. What's before
2 us is whether or not their decision to approve this
3 was proper and in accordance to the regulations that
4 are out there for them to operate with.

5 Have I properly defined what you're asking
6 for?

7 MS. EDWARDS: Absolutely.

8 We're dealing with a public here that
9 doesn't have the access to all of the many codes and
10 regulations. We're trying to, you know -- but,
11 basically, you have framed that very well.

12 MR. BITTENS: Okay. Okay. That's all I
13 had as a question.

14 MS. CLARK: I have some questions.

15 Okay. I need some clarification again from
16 what is your name again?

17 MR. KIESLER: Frank Kiesler.

18 MS. CLARK: Frank. Okay.

19 You said that originally you were using the
20 storm drain debris residuals and that was considered
21 green waste. And then you added C & D but didn't
22 inform the Waste Board or whoever, the -- you used
23 the word -- I think you used the word --

24 MR. KIESLER: Falcon. The processor who
25 when they initially started their process, they were

1 processing the debris basin material which -- and
2 that was material that was brought up and as a load
3 to show to the LEA inspector at the time Richard
4 Lang. So, you know, what do you think? What is
5 this material? He looked at it and he determined
6 that the material was consistent with the definition
7 of green waste.

8 MS. CLARK: Right.

9 MR. KIESLER: And at that point he advised
10 us that if we wanted to use it as ADC we would have
11 to in our RDSI amend, which we did, and that was
12 subsequently approved after which we began utilizing
13 the material. Sometime after that Falcon permitted
14 their -- unbeknownst to us, permitted their process
15 as a C & D processing line.

16 MS. CLARK: They permitted? What do you
17 mean?

18 MR. KIESLER: They modified their permit
19 and categorized it as a C & D processing.

20 MS. CLARK: Modified the permit with who?

21 MR. KIESLER: At Falcon with their LEA. I
22 believe Falcon is in the city of Los Angeles, so
23 with the LEA who issued their facility permit they
24 modified that permit, that LEA to represent that
25 process as a C & D processing facility.

1 MS. CLARK: And do you know when that
2 happened?

3 MR. KIESLER: I believe it was sometime in
4 2004.

5 MS. CLARK: Okay. Now, because I'm looking
6 at this historical summary report for the Sunshine
7 Canyon and it says it's updated July 15th, 2005.

8 MR. KIESLER: Are you looking at the --

9 MS. CLARK: Well, for 2004 and they're both
10 the same. They're prepared the same time.

11 MR. KIESLER: Okay.

12 MS. CLARK: 2004 you look under ADC and
13 C & D and it has zeroes for all of the quarters and
14 the total.

15 MR. KIESLER: In green waste it has. And
16 that at the top of that --

17 MS. CLARK: Wait. I don't understand that.
18 Explain this to me. Why does it say zeroes
19 for C & D?

20 MR. KIESLER: Well, the point I was trying
21 to make is that that facility changed their process
22 and didn't report it to us.

23 MS. CLARK: Okay. But you turn over to
24 2005 and it's the same also.

25 MR. KIESLER: That would -- that needs to

1 be corrected.

2 MS. CLARK: Well, but that implies to me --
3 now, I'm just coming in kind of new on this process,
4 but you're saying that they should have known and
5 they didn't apply in time and things like that, and
6 then but a chart here says if -- I mean, if the
7 public was looking at this to see if this tells what
8 is being disposed of and they see zeroes, I mean,
9 you can say it needs to be updated, but to base
10 their appeal, that they didn't appeal on time, that
11 they should have known and they should have done it
12 sooner when here is a document that says it's not
13 being used.

14 MR. KIESLER: Well, first I would have to
15 look at the source information to see how this was
16 provided, but then -- I guess it doesn't change the
17 fact that there were CAC meetings in which that very
18 issue was discussed and they were fully aware of
19 that.

20 MR. MOHAJER: Okay. This is a -- the
21 source of this document is a disposal reporting
22 system.

23 MR. KIESLER: I understand.

24 MR. MOHAJER: According to the State of
25 California Area Waste Management Board Regulation,

1 the same regulation that we are trying to make a
2 decision and this appeal exactly the same
3 information, the same body of law and regulations
4 and at least the information it is provided over
5 here that goes to the Waste Board, to the county, to
6 the individual cities that they have to substantiate
7 their 50 percent waste reduction mandate based on
8 this record that BFI have submitted to the county is
9 incorrect and so I can maybe say that it has
10 impacted all jurisdictions that they have -- I can't
11 substantiate that, but based on this, all
12 jurisdictions that have submitted materials to
13 Sunshine Canyon for use as alternative daily cover,
14 they're not getting the correct information.

15 MS. RUBALCAVA: I would point out on this,
16 we're talking about the first two quarters of 2005.
17 And those, that was being done pursuant to the
18 amendment to the RDSI that was categorizing this
19 material as green waste. So it wouldn't start
20 showing up until the approval for C & D which
21 occurred on August 12th.

22 MR. MOHAJER: But there are records in this
23 information over here that shows that quote/unquote
24 C & D was being used before. So, you know, it's
25 something that BFI has to -- at least one of the

1 items that I will be asking to clarify as to so
2 everybody would be on the same base.

3 And I don't know whether this is going to
4 cause any changes to the reporting system that the
5 cities submit to the State as a part of their 50
6 percent AB 939 waste reduction mandates. I don't
7 know.

8 But the importance, the correctness of the
9 data, especially these days, under \$10,000 penalty
10 to the cities becomes pretty important. So I was
11 not going to be raising the issue, but this is a --
12 at least that's why I wanted to look and see the
13 data comes out from the permittee to all agencies is
14 uniform and not different, presented differently.

15 MS. CLARK: And I had one other question.
16 I don't know where I -- it is in the document, but
17 in your definition of C & D you had concrete,
18 asphalt and one other thing. And I'm not sure where
19 that was. And to me that's different than a
20 building, a house that has all this potential
21 asbestos in it. So I'm very concerned about the
22 definition of C & D.

23 And I suppose that's in statute, but I'm
24 very disturbed by the fact that if asbestos is not
25 detectable except under a microscope, which your

1 regulations, your training manual states, how can
2 you say that the material from a house is safe going
3 to this, now that you have crumbled it all up, I
4 guess, to make it? That's what you do, I guess. Do
5 you crush it?

6 MR. KIESLER: No. The facility doesn't
7 do --

8 MS. CLARK: Okay. How does it get to --

9 MR. KIESLER: To answer your question about
10 how the material, how asbestos is prevented is first
11 of all, a contractor doing demolition in a house has
12 to verify that the asbestos is not in the materials.

13 MS. CLARK: Oh, goodness. I'm sorry.

14 A contractor tearing down the walls is
15 going to know?

16 MR. KIESLER: They're legally obligated to
17 know.

18 MS. ZILIAK: They don't know.

19 MR. KIESLER: Correct me if I'm wrong.

20 There's a law that requires them to
21 determine it.

22 MS. CLARK: Yeah. So --

23 MR. KIESLER: So that's the basis of why
24 material wouldn't get to us is because there's a
25 body of law and requirements as the housing material

1 is handled, identified, handled and mitigated prior
2 to nonasbestos material being transported to this
3 facility for processing.

4 MS. CLARK: So you're putting the onus on
5 the contractors rather than on your Falcon?

6 MR. KIESLER: It's consistent with
7 hazardous waste regulations as well in that the
8 generator is the party for identifying and ensuring
9 the material is properly categorized and properly
10 managed.

11 MS. CLARK: So your mandate is for workers
12 at Falcon to -- in case some sneak through?

13 MR. KIESLER: It's another layer of
14 protection. We train people to look for materials
15 that might be asbestos-containing and that's
16 another -- it's a layered approach on how to protect
17 employees, the public and then also to ensure the
18 facilities are in compliance. The generator is
19 responsible, has responsibilities.

20 MS. CLARK: So how do you define C & D
21 then?

22 MR. KIESLER: By the Title 27 Regulation.

23 MS. RUBALCAVA: It's defined. There's a
24 defined term in the regulation.

25 MS. CLARK: I'm sure there is.

1 So you're, basically, saying that none of
2 this house thing, this little diagram of the house,
3 none of that is getting into your ADC?

4 MS. RUBALCAVA: The Integrated Waste
5 Management Board has defined C & D material in their
6 regulations and they have determined that C & D
7 materials are acceptable as alternative daily cover.
8 They are looking at their, the system that's in
9 place that Mr. Kiesler mentioned which starts with,
10 you know, permits for the removal of
11 asbestos-containing material, puts requirements on
12 contractors that requires load screening, that
13 requires training of people.

14 MS. CLARK: Now, who is screening the load?
15 The contractor or Falcon?

16 MS. RUBALCAVA: At its next place where
17 it's taken. If it's going to a transfer station,
18 there are procedures in place and that's what
19 Mr. Kiesler was talking about, to train the
20 employees to check for hazardous materials and
21 remove them from the waste load. They're not
22 supposed to be there in the first place. There are
23 contractual arrangements that say you're not
24 supposed to bring asbestos-containing material here.
25 There's special regulations, special landfills for

1 that.

2 MS. CLARK: Uh-huh.

3 MS. RUBALCAVA: But people realize it does
4 come in, so it's inspected. When they see things
5 that are likely to contain asbestos-containing
6 material, they're removed. They don't need to look
7 at them under a microscope because they're culled
8 from what's in the station and removed.

9 Okay. Also at the landfill when they're
10 taking direct deposits, I mean, they're also trained
11 there to look for the material.

12 But it is a system and it's a system that's
13 been established by the Integrated Waste Management
14 Board and local jurisdictions to try to prevent to
15 the greatest extent possible this material from
16 getting there.

17 And again, the integrative board has
18 considered the fact that yes, there's a potential
19 for things like this to be in C & D but they've
20 determined when they adopted a regulation that said
21 C & D material can be used as alternative daily
22 cover that they don't believe it poses a significant
23 environmental impact.

24 The system, you can't look at one piece and
25 say, well, you know, because my neighbor threw away

1 a piece of linoleum tile with mastic on the back of
2 it that, you know, vast plumes of asbestos are going
3 to get into the air. I mean, we're talking about a
4 system of a number of places where they are trying
5 to keep it out of the way stream.

6 MR. MOHAJER: Let me just jump.

7 You indicated well, you can't just look at
8 only one piece to come up to some asbestos gets in
9 the facility or not.

10 Can -- would you maintain the same position
11 when it comes to looking at the appeal for the ADC
12 using the C & D and ADC, just look at only one
13 section of the regulation and not look at the
14 overall picture?

15 MS. RUBALCAVA: I looked at the regulations
16 for the appeal procedures as a whole.

17 MR. MOHAJER: Okay.

18 MS. RUBALCAVA: Because they relate to --

19 MR. MOHAJER: So you looked at the broader
20 picture rather than those two specific sections?

21 MS. RUBALCAVA: Are you talking about the
22 appeal procedures, Mr. Mohajer, or are you talking
23 about the ADC?

24 MR. MOHAJER: I'm just talking in general,
25 the same response that you had to Ms. Clark that you

1 MS. CHANG: I assume the LEA. I don't know
2 what the arrangements are.

3 MS. RUBALCAVA: Yeah.

4 MR. MOHAJER: So if we are finished with
5 that, we can adjourn.

6 MS. CHANG: We're adjourning this session,
7 but not the hearing.

8 MR. BITTENSON: Right. Thank you.

9 MR. MOHAJER: To the next one. Thank you
10 all.

11 (Whereupon, the proceedings
12 concluded at 1:31 p.m.)

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Dated this 24th day of October, 2005.

Amber Dawn Castaneda JK
AMBER DAWN CASTANEDA, RPR, CRR,
CSR No. 7640

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NVC EXHIBIT

B3

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LOS ANGELES COUNTY SOLID WASTE FACILITIES HEARING BOARD

APPEAL HEARING FOR APPROVAL OF THE USE OF CONSTRUCTION
AND DEMOLITION MATERIAL AS ALTERNATIVE DAILY COVER AT
THE SUNSHINE CANYON LANDFILL

5050 COMMERCE DRIVE, ROOM 120
BALDWIN PARK, CALIFORNIA 91706

TUESDAY, OCTOBER 11, 2005

9:00 A.M.

Reported By:

Amber Dawn Castaneda, RPR, CRR

CSR No. 7640

<p>1 APPEARANCES</p> <p>2</p> <p>3 M. MICHAEL MOHAJER, P.E., COMMISSIONER</p> <p>4 LESLIE N. BITTENSON, COMMISSIONER</p> <p>5 MARGARET CLARK, COUNCILWOMAN</p> <p>6 GRACE CHANG, DEPUTY COUNTY COUNSEL</p> <p>7 MARK T. YANAI, PRINCIPAL DEPUTY COUNTY COUNSEL</p> <p>8 ANNE ZILIAK, NORTH VALLEY COALITION</p> <p>9 MARY EDWARDS, NORTH VALLEY COALITION</p> <p>10 WAYDE ANTHONY HUNTER, NORTH VALLEY COALITION</p> <p>11 KAREN TAYLOR, PARALEGAL</p> <p>12 KEN MURRAY, CHIEF ENVIRONMENTAL HEALTH SPECIALIST</p> <p>13 STAN UYEHARA, ENVIRONMENTAL HEALTH SPECIALIST IV</p> <p>14 DAVID EDWARDS, BFI</p> <p>15 FREDERICK W. PFAEFFLE, SENIOR DEPUTY COUNTY COUNSEL</p> <p>16 FRANK KIESLER, BFI</p> <p>17 SHARON F. RUBALCAVA, ESQ.</p> <p>18 GERARDO VILLALOBOS, ENVIRONMENTAL HEALTH SPECIALIST IV</p> <p>19 WILLIAM MARCINIAK, INTEGRATED WASTE MANAGEMENT SPECIALIST</p> <p>20 PETE OOLA, ENVIRONMENTAL HEALTH SPECIALIST</p> <p>21 CATHY CASTRO, L.A. COUNTY SECRETARY</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>2</p>	<p>1 MR. VILLALOBOS: I do.</p> <p>2 MR. MOHAJER: Thank you.</p> <p>3 For the purpose of the court recorder, I</p> <p>4 would like to go around the table. If everybody</p> <p>5 would introduce themselves.</p> <p>6 And would you like them to also mention</p> <p>7 their name every time they talk?</p> <p>8 THE REPORTER: Yes.</p> <p>9 MR. MOHAJER: Okay. So we have to make</p> <p>10 sure every time you're speaking I would recognize</p> <p>11 you and you mention your name. So we'll do it fast.</p> <p>12 MS. CLARK: I'm Margaret Clark. I'm</p> <p>13 councilwoman in Rosemead and member of the Solid</p> <p>14 Waste Hearing Panel.</p> <p>15 MR. YANAI: I'm Mark Yanai with the county</p> <p>16 Counsel's office.</p> <p>17 MS. ZILIAK: I'm Ann Ziliak. I'm a member</p> <p>18 of the North Valley Coalition and I am chair of the</p> <p>19 Planning and Land Use Committee for your Local</p> <p>20 Neighborhood Council.</p> <p>21 MS. EDWARDS: I'm Mary Edwards. Just a</p> <p>22 neighbor.</p> <p>23 MR. HUNTER: Wayde Hunter, president of the</p> <p>24 North Valley Coalition.</p> <p>25 MR. MARCINIAK: William Marciniak with the</p> <p>4</p>
<p>1 TUESDAY, OCTOBER 11, 2005</p> <p>2 BALDWIN PARK, CALIFORNIA</p> <p>3 9:30 A.M.</p> <p>4</p> <p>5 MR. MOHAJER: Okay. I'm going to call the</p> <p>6 meeting to order. It's 9:30 in the morning.</p> <p>7 My name is Mike Mohajer. I'm chairman of</p> <p>8 the Solid Waste Facility here in the county of</p> <p>9 Los Angeles.</p> <p>10 I'm going to be conducting the oath for</p> <p>11 anyone that would like to provide comments on this</p> <p>12 matter before us.</p> <p>13 So if you would raise your hand, for those</p> <p>14 of you that want to.</p> <p>15 Do you swear or affirm to state the truth,</p> <p>16 the whole truth and nothing but the truth, so help</p> <p>17 you God.</p> <p>18 ATTENDEES: Yes. Yes. Yes.</p> <p>19 MR. PFAEFFLE: Sorry, Mr. Chairman. We</p> <p>20 need to have Gerry also.</p> <p>21 MR. MOHAJER: Okay. Gerry, if you would</p> <p>22 raise your hand. I'm conducting the swear.</p> <p>23 Do you swear or affirm to state the truth,</p> <p>24 the whole truth and nothing but the truth, so help</p> <p>25 you God?</p> <p>3</p>	<p>1 Waste Board.</p> <p>2 MR. UYEHARA: Stan Uyehara, Los Angeles</p> <p>3 county LEA.</p> <p>4 MR. MURRAY: Ken Murray, Los Angeles county</p> <p>5 LEA.</p> <p>6 MR. VILLALOBOS: Gerardo Villalobos,</p> <p>7 Los Angeles county LEA.</p> <p>8 MR. PFAEFFLE: Fred Pfaeffle with the</p> <p>9 county Counsel's office, counsel for the LEA.</p> <p>10 MR. EDWARDS: Dave Edwards with BFI.</p> <p>11 MS. RUBALCAVA: Sharon Rubalcava with</p> <p>12 Weston Benshoof law firm and I'm representing BFI.</p> <p>13 MR. KIESLER: Frank Kiesler, BFI.</p> <p>14 MR. BITTENSON: Les Bittenson, member of</p> <p>15 the Solid Waste Facilities Hearing Panel.</p> <p>16 MR. MOHAJER: Before -- there are a couple</p> <p>17 of housecleaning items. What we decide to do that</p> <p>18 since we don't have a print agenda, we're going to</p> <p>19 have the North Valley present their case and BFI</p> <p>20 would go second, then LEA, and then after that we</p> <p>21 will open up to the board and everybody else.</p> <p>22 That's one item.</p> <p>23 Also, for the record, I have -- on</p> <p>24 September 26th I had asked Mr. Ken Murray of the</p> <p>25 L.A. county LEA to provide me with a copy of the</p> <p>5</p>

<p>1 following: A copy of the facility current solid 2 waste permit, a copy of the finding of conformance 3 granted to the facility by the L.A. county Solid 4 Waste Management Committee, Integrated Waste 5 Management Task Force, a copy of the facility 6 current CUP granted by the County Board of 7 Supervisor/Regional Planning Commission, a copy of 8 the facility current RDSI.</p> <p>9 In addition, I had indicated that I would 10 like to have some definition of the code 11 construction and disposal tailing waste and 12 materials for the records. I have not received that 13 definitions.</p> <p>14 In addition, I have contacted the L.A. 15 county Department of Public Works. I had requested 16 them to provide me with a table identifying the 17 amount of materials that was reported by BFI as a 18 part of their disposal reporting system, the amount 19 of materials used for beneficial use at the facility 20 as well as alternative daily covers. And for the 21 calendar year 2004 as well as calendar year 2005. 22 So for 2005 I have received information only for the 23 first and the second quarter of 2005.</p> <p>24 So the question that I have to our board 25 counsel, does this one needs to be provided to</p> <p style="text-align: right;">6</p>	<p>1 for a continuing period when we were working on 2 things like incinerators and things of that nature, 3 and I wanted to find out if he could really be 4 objective on this panel because I know he was -- 5 when we met before, though he's a very charming and 6 lovely man, we were definitely -- he was definitely 7 representing BFI in all of these, in these hearings. 8 And so I just wanted to see if he feels like he can 9 be objective. I know, I'm hoping that times have 10 changed and that you have converted to our side, but 11 beyond that, you know, I just, that was one of the 12 things that I would ask to do.</p> <p>13 And then I want to go on from there to -- I 14 want to go on from there just as a resident and in a 15 very low-key way to tell you about our concerns.</p> <p>16 For a very long time I've had the concern 17 that when you say something is -- doesn't meet a 18 level of significance, what happens is that people 19 make decisions that were never analyzed and the 20 public never got a chance to look at. They never 21 get a chance to -- when you put a facility on to 22 process green waste, they never get a chance to 23 know, is it open wind rose? What is it within this? 24 What is it that we're going to feel the impacts of? 25 Was there -- was there a 24-hour period when they</p> <p style="text-align: right;">8</p>
<p>1 everybody as well?</p> <p>2 MR. YANAI: I mean, we could make copies if 3 anybody would like to get it at the end of the 4 hearing.</p> <p>5 MR. MOHAJER: And then also this morning we 6 have received a folder that was provided to us. I 7 discussed it with our counsel. And needless to say, 8 we just got it, so we haven't read it and we are not 9 in a position to really discuss it, unless BFI wants 10 to discuss it, that would be fine.</p> <p>11 All right. So having said that, then I 12 would like to move forward with the Mr. Hunter.</p> <p>13 MR. HUNTER: Yes. Thank you.</p> <p>14 My name is Wayne Hunter. I'm the president 15 of the North Valley Coalition and the person filing 16 the appeal on behalf of our organization.</p> <p>17 I would just like to start off, I would 18 like to put Mary Edwards up first. We have a couple 19 of things, little housekeeping we would like to take 20 care of, if we could, first, and some comments she 21 would like to make and then I'll speak from there.</p> <p>22 Thank you.</p> <p>23 MS. EDWARDS: I'm Mary Edwards. I get to 24 be the bad guy. I needed to ask Les Bittenson, who 25 I've known for years because he was employed by BFI</p> <p style="text-align: right;">7</p>	<p>1 would have to cover? All of these kinds of things. 2 Because it isn't -- and this one wasn't, 3 this kind of ADC was not -- was not in any of the 4 EIRs.</p> <p>5 What happens is the people surrounding a 6 landfill. And all landfills are different. They 7 have different climate conditions. They are just 8 different in the location. Some are very remote and 9 some are right next to homes. But there should be 10 some process. Rather than having someone by 11 fiancée, well, we were told this by BFI at our 12 meetings, it's on the list, so it's approved.</p> <p>13 Well, does that mean it's approved for 14 every place anytime? Because some of these things 15 certainly carry many more hazards and others. And 16 there needs to be a process that people look at 17 when -- I feel that these things are -- definitely 18 meet a certain threshold that goes beyond of 19 significance in this area.</p> <p>20 And now, when we're talking about asbestos, 21 I think that this really struck home because so many 22 of us, Wayne's house, my house when they were 23 demolished had considerable amounts. We had to go 24 through asbestos treatment because of the ceilings, 25 the everything, taping, the wallboard, everything in</p> <p style="text-align: right;">9</p>

<p>1 our homes had to have asbestos inspection. So we 2 know the construction material by its very nature 3 contained it and we know if it's friable it can be 4 windborne and then also experientially we know that 5 we are in a wind tunnel.</p> <p>6 So this sent up a red flag. And we thought 7 right from the beginning that when the State had 8 noticed and came in on their inspection notice and 9 what they said was that this was not in the RDSIs, 10 that this was not in their current and that that 11 should be modified. But what happened was that we 12 continued to use it before -- it continued to be 13 used before the application was ever made to or 14 approved to -- for this particular. So that, 15 basically, it was just at the discretion of the LEA 16 to allow it to keep coming in and coming in and 17 coming in until finally the application after we 18 had, you know, said what's happened, have they ever 19 applied for it. And the application should have 20 been made, then you should start. They should have 21 withdrawn it until the time that it had been applied 22 for and officially approved. And at that point in 23 time was logical time to have started to use it 24 after it had been approved. But at that point no 25 one really knew what the application was even going</p> <p style="text-align: right;">10</p>	<p>1 that would be, you know, there's a little picture of 2 a house in your materials that you got and the house 3 shows what's in the tiling and the flooring. If you 4 could restrict those materials and take it to just 5 something like wood chipping and things like that, 6 your probability of having problems down the line 7 with friability and winds would be greatly 8 diminished.</p> <p>9 That would be my hope, that they could -- 10 we could work out something that would do --</p> <p>11 Also, I think there's a -- it's very 12 strange to me that now that they're going through 13 the county CUP process at this very time which will 14 mean that they will change to a joint technical 15 document in the near future and that will basically 16 administrate the way the landfill is run.</p> <p>17 And this is -- you know, we've had several 18 hearings now already. So it's down the road for the 19 new CUP which will have a new joint technical 20 document that will accompany it. So with that, you 21 would assume that this would be the proper place 22 because then they will be working with the city.</p> <p>23 Now, the city has restrictions that they 24 have been put on by ordinance from excepting 25 construction and demolition. So they have an</p> <p style="text-align: right;">12</p>
<p>1 to contain.</p> <p>2 Now, I have read the application and I know 3 most of it comes from -- most of the components of 4 the daily cover are coming from the Falcon Transfer 5 Station, which is a BFI affiliate. And we wanted to 6 be sure that, you know, the application just didn't 7 open that up to -- even though they have some 8 protocols for testing.</p> <p>9 Does the application open that to all 10 C & Ds? I mean, it didn't say that it restricted 11 it. I don't see anyplace in the world that it 12 restricts it from coming, C & D from coming from 13 other places. And even though it says that it's 14 going to be -- these certain materials, then it is 15 left to two load checks a day and then if you read 16 further in the instruction it says the only way you 17 can check for asbestos is microscopic. And it says 18 that in their training, that the only way, and only 19 is underlined, is by microscopic. You have to do a 20 real test to put it in because it could be contained 21 in these things.</p> <p>22 It would be my hope that it -- with this 23 application that you would put the forbidden 24 materials, which they say are so common, on the list 25 of things that would not be -- could not enter. And</p> <p style="text-align: right;">11</p>	<p>1 ordinance that restricts all kinds of other daily 2 covers also. So in order --</p> <p>3 One of the purposes of that document was to 4 reconcile the city and the county so they could go 5 together as one unit. And you wouldn't be getting, 6 oh, this is forbidden here and that's okay here.</p> <p>7 So it seems premature while this is going 8 on not to approve something that may be really 9 problematic in the future. So it would -- it would 10 seem that the logical thing to do would be to put it 11 up to the joint technical document to come together 12 on something and the restrictions that would be 13 applicable down the line. So it -- there are so 14 many things going on with this that it's going to be 15 kind of confusing, but I do think that we -- as just 16 for everything, we need a procedure that will allow 17 the public some participation when things are really 18 changing the nature of the operation and that these 19 things should be site specific rather than just 20 general, you know, you can't just look at a list 21 from something from the State and say --</p> <p>22 Because when I call the State and I ask 23 them, I say, "What kind of things did you do." 24 They said, "We leave that up to the LEA to 25 test, you know, to test."</p> <p style="text-align: right;">13</p>

1 I said, "Is there asbestos in that?"
 2 They said, "We leave that up to the LEA to
 3 find out."
 4 So, basically, they don't have any real
 5 background testing, according to Scott Walker at the
 6 Waste Board. They have no background testing on
 7 these things. They approved them, but they don't
 8 have a lot of specifics about what they include.
 9 So it's -- somebody needs to be looking at
 10 exactly what these things include and also the kind
 11 of vigorous testing program that would go on at some
 12 place like Falcon that was doing it so that it's not
 13 just load check which could, as they said, asbestos
 14 can't be seen, it has to be tested for
 15 microscopically. So you need -- there needs to be
 16 other protocol.
 17 So I am just leaving it in your good
 18 judgment to try to find something that will satisfy
 19 our concerns, because I think all of us are
 20 concerned because we know it's a windy area, we know
 21 in the past we've breathed the dust coming from the
 22 landfill and we know that it's unrevegetated. And
 23 so we really want to be sure that we're not
 24 breathing something that could cause pain and death.
 25 Well, Wayde.

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1 MR. HUNTER: Thank you.
 2 I have copies for each of the
 3 commissioners.
 4 MR. MOHAJER: What I would like to do with
 5 our counsel, I would like to make it all become part
 6 of the record.
 7 MS. CHANG: This is Grace Chang with county
 8 Counsel. We can mark them as exhibits, number them
 9 however you want.
 10 MR. MOHAJER: All right. I'm sorry. We're
 11 just going to take five minutes so I can discuss
 12 over here before you come.
 13 So let's go ahead and conduct our -- this
 14 is Grace Chang from L.A. county Counsel. And I'm
 15 trying to find --
 16 Do I have to swear you also?
 17 MS. CHANG: Well, I'm not going to offer
 18 testimony, but I would be happy to take the oath
 19 when the court reporter comes back.
 20 MS. TAYLOR: Pete may also need to be sworn
 21 in. He wasn't here for the swearing in process.
 22 MS. CHANG: The court reporter has left.
 23 THE REPORTER: I'm right here.
 24 MS. CHANG: I thought it was the lady
 25 sitting in the corner. I'm sorry.

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1 MS. TAYLOR: That was Catalina.
 2 MR. MOHAJER: Do you swear or affirm to
 3 state the truth, the whole truth and nothing but the
 4 truth, so help you God?
 5 MS. CHANG: I do.
 6 MR. OOLA: I do.
 7 MR. YANAI: Would you like to take a
 8 ten-minute recess, five-minute recess then?
 9 MR. MOHAJER: Yeah. I would like to do
 10 that so I can discuss with our own counsel, board
 11 counsel. So we're going to go off the record for
 12 ten minutes.
 13 MS. CHANG: Okay. That's fine.
 14 (Recess taken from 9:48 a.m.
 15 to 10:05 a.m.)
 16 MS. CHANG: Back on the record.
 17 Okay. Before we continue, I wanted to mark
 18 a few exhibits for the record. We've talked about
 19 several documents this morning.
 20 First of all, I would like to mark as
 21 Coalition Exhibit 1 a package that was submitted to
 22 all parties this morning entitled Solid Waste
 23 Facilities Hearing Board October 11, 2005, North
 24 Valley Coalition Appeal and Response to
 25 Documentation.

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1 I would like to mark as BFI Exhibit 1 a
 2 binder that was submitted to all parties this
 3 morning with the label Appeal Hearing for Approval
 4 of the Use of Construction and Demolition Material
 5 as ADC at Sunshine Canyon Landfill.
 6 I would like to Mark as LEA Exhibit 1 an
 7 agenda package, which I believe all parties have a
 8 copy of, entitled Solid Waste Facilities Hearing
 9 Board October 11, 2005 Agenda.
 10 And then there were some exhibits that
 11 Chairman Mohajer disclosed this morning -- documents
 12 rather that he requested from the LEA and the
 13 Department of Public Works which for his information
 14 purposes and for the information of the other panel
 15 members let's mark them as the first document is a
 16 copy of the facility current Solid Waste Facility
 17 permit. Rather a copy of the current facility Solid
 18 Waste Facility permit. Let's mark that as Hearing
 19 Panel Exhibit 1.
 20 And then as Hearing Panel Exhibit 2, a copy
 21 of the finding of conformance granted to the
 22 facility by the L.A. county Solid Waste Management
 23 Committee/Integrated Waste Management Task Force.
 24 And then as Hearing Panel Exhibit 3, a copy
 25 of the current facility CUP granted by the county

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<p>1 Board of Supervisors/Regional Planning Commission. 2 Then as Hearing Panel Exhibit 4, a copy of 3 the current facility RDSI. 4 And then as Hearing Panel Exhibit 5 5 something that Chairman Mohajer asked me to add to 6 the record is a document of proposed revisions to 7 the RDSI. 8 And then as Hearing Panel Exhibit No. 6, a 9 double-sided single-page document provided by the 10 Department of Public Works entitled Historical 11 Disposal Summary Reports Beneficial Use Report by 12 Facility for Sunshine Canyon Landfill and they are 13 for the entire calendar year of 2004 and the first 14 half of calendar year 2005. 15 MR. MOHAJER: I would like to add 16 additional exhibits and that would be the Facility 17 Waste Plan Conformance Agreement, Waste Plan 18 Conformance Agreement. 19 MS. CHANG: So that will be Hearing Panel 20 Exhibit No. 7. 21 MR. MOHAJER: Okay. So Mr. Hunter, we are 22 back to you. 23 MS. RUBALCAVA: One point of order. I 24 don't think we have seen Hearing Panel Exhibit 5. 25 That one is not something that's familiar to me.</p>	<p>1 MR. MOHAJER: So let me go. It's five 2 pages. The first one is page 15, dated June 2005. 3 Then page 16, page 16.1, page 16.2 and page 16.3 4 small A. They all are dated June 2005. 5 MS. EDWARDS: Could I ask a question? 6 How is -- what is the process for -- that 7 that would go through the revisions for the RDSI? I 8 mean, what -- how do they get approved, the 9 revisions? 10 MR. MOHAJER: Well, we'll have the LEA 11 respond to that. 12 MS. EDWARDS: How do they get approved, the 13 revisions? 14 MR. MOHAJER: After we get finished, we'll 15 go through. 16 MS. EDWARDS: I just wondered what happens. 17 MR. MOHAJER: So Mr. Hunter, it's all 18 yours. 19 MR. HUNTER: Okay. Thanks very much. 20 I would just like to be on the record that 21 the black binder that was supplied by Solid Waste 22 Hearing Facilities Hearing Board, October 11 Agenda, 23 that the copies of the information that contained 24 therein that I am referenced either as a cc or as 25 the person receiving, I received none of those</p>
<p>1 MS. CHANG: That's the proposed revisions 2 to the RDSI. 3 MR. MOHAJER: Right. 4 MS. CHANG: Karen, can you help us? 5 These are yours, Chairman Mohajer. 6 Thank you. 7 MR. MOHAJER: Okay. You will be provided 8 with a copy before the end of today. 9 Mr. Murray, would you be able to provide 10 all parties with a copy of the RDSI as well as the 11 proposed revision to the RDSI? 12 MR. MURRAY: I can do the RDSI. I don't 13 know about the proposed. 14 Do we have a copy of that? 15 MR. VILLALOBOS: Not here. 16 MR. MOHAJER: For the record, I was 17 provided, we provided when we marked. 18 MR. MURRAY: I provided you with a couple 19 of pages. 20 MR. MOHAJER: Right. This is the document. 21 MR. MURRAY: Yeah. 22 MR. MOHAJER: It's a proposed revision. 23 Right. It's a -- 24 MR. MURRAY: Okay. Yes. We do have that. 25 I've just been told.</p>	<p>1 documents that are listed in this. 2 I did talk to Mr. Murray regarding this 3 issue that I not received any. The only thing that 4 I ever received was the initial announcement of a 5 hearing thing, which was then subsequently 6 cancelled. And I only actually found out that 7 information when I received it within this agenda 8 itself. So nothing in here did I ever receive 9 personally. 10 Okay. That was my housekeeping. 11 What I had done was go through this 12 document because this is basically all I had. 13 Again, yes, we had filed an appeal. And I just 14 looked at the information that was supplied by DOHS. 15 And I went in section one, so I just took it by 16 sections. 17 And in the first section Gerry Villalobos 18 writing to Peter Chong, there's a letter in there 19 that noted at the time that BFI's application was 20 being rejected, you know, for the errors that's 21 noted. 22 And one of the questions that, you know, 23 arises at least to us on page two under part three 24 facility information, DOHS states that construction 25 of demolition debris is not identified in the</p>

1 California Code of Regulations, Title 27, 20690 as
 2 approved ADC. And I just wondered how that was
 3 resolved. Because if it wasn't, then why are we
 4 here sort of thing? But so there was a question to
 5 DOHS.
 6 We found on that that DOHS did not catch
 7 all of the errors that they had noted in this
 8 particular letter and there were other errors that
 9 the NVC had found. And we had in an amended
 10 application, the Solid Waste Facility, state and
 11 supplied under a foyer, which we had supplied to Ken
 12 on page four through six being -- sorry. Four of 16
 13 through seven of 16 under the title Additional
 14 Information Released Under Freedom of the
 15 Information Act, we had made some comments
 16 specifically of the items that we were talking
 17 about.
 18 So if you were to turn to page five of this
 19 document that I handed you, you see we have a title
 20 of Additional Information Released Under Freedom
 21 Information Act. And there we go under and we
 22 specify some of those questions as to the numbers
 23 used.
 24 For instance, on that copy of that
 25 information that was released to us under the foyer,

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1 five of 16 repeat daily tonnage of 9,000 tons per
 2 day is given. Well, as far as we know, it was 6,600
 3 tons per day. And even if you make an allowance for
 4 inerts, that is still too high.
 5 We've got another number sitting in that
 6 same document, says daily design tonnage of 17,800
 7 tons per day also appears to be incorrect. And, you
 8 know, the basis of these numbers appear to come from
 9 a 1989 EIR and a mega landfill for 215 million tons
 10 which involved the land filling not only in the
 11 county but in the city of Los Angeles. And this
 12 information does not appear to take into
 13 consideration the current permits which they are
 14 operating under.
 15 Site capacity proposed, used to date and
 16 remaining capacity is also specious. We believe
 17 that BFI totally misrepresents the capacity. The
 18 disposal footprint of 129.3 acres is also incorrect
 19 and the NVC has an Exhibit CC1 attached to this
 20 document.
 21 MS. RUBALCAVA: Excuse me, Mr. Mohajer.
 22 This appeal is for an approval by the LEA
 23 to use C & D material as alternative daily cover.
 24 This does not seem to be -- the information he's
 25 going into does not seem to be relevant to that

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1 determination.
 2 MR. HUNTER: May I argue my own case?
 3 We're giving this information because this
 4 goes to the application. The application on which
 5 they go and say, we want to do this contains the
 6 information that it is incorrect. So how does
 7 anybody even assess whether or not that they should
 8 be -- what their entitlements are, if you don't even
 9 have the correct information to file?
 10 As a matter of fact, DOHS was the first one
 11 to pick up and say, "Hey guys, your application is
 12 incorrect. You need to correct it."
 13 I'm merely pointing out that they didn't
 14 even find all of the errors that were on that
 15 application. So the subsequent application, which
 16 you ended up approving, is incorrect. It still
 17 contains errors.
 18 MR. PFAEFFLE: I do want to interpose an
 19 objection.
 20 MR. MOHAJER: You need to mention your
 21 name.
 22 MR. PFAEFFLE: Fred Pfaeffle, counsel for
 23 the LEA.
 24 I would like to interpose an objection,
 25 also.

24

1 I agree with Ms. Rubalcava in that this
 2 issue is beyond the scope of this hearing and it was
 3 not properly noticed in the materials that were
 4 sent.
 5 MS. CHANG: If I can just have one second
 6 to confer.
 7 MR. MOHAJER: Right.
 8 (Recess taken from 10:18 a.m.
 9 to 10:18 a.m.)
 10 MR. MOHAJER: So the objection by BFI and
 11 LEA was noted for the record.
 12 So Mr. Hunter, you can continue.
 13 MR. HUNTER: Okay. If you look at
 14 Exhibit CC1 in the North Valley Coalition, again,
 15 what we want to point out is that these are not
 16 things that haven't been raised before. Only that
 17 these things are well-known. So turning to CC1 --
 18 MS. CLARK: What's CC1?
 19 MR. BITTENSON: What is CC1?
 20 MR. HUNTER: Yes. On the back of mine
 21 there is exhibits and there's an Exhibit CC1. It's
 22 up near the very back. As a matter of fact, the
 23 last. It's number, page number 11. It's the last
 24 three pages.
 25 Basically, in this particular document what

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1 I was trying to refer to is the landfill airspace
2 calculations, et cetera, are all incorrect, as far
3 as we're concerned.
4 BFI, if you want to read into this thing,
5 is basing it on 129.3 acres and not the 215-acre
6 approved footprint. They have a 215-acre approved
7 footprint, therefore, for us, the capacities and
8 things that are reflected in the particular
9 statement that you're looking at and what they were
10 filing we believe to be incorrect. You know,
11 it's -- we're not talking 17 million tons anymore.
12 We're talking 24 million tons. And for some reason
13 they've taken this particular acreage out. And this
14 was comments that were submitted to the Biannual
15 Monitoring Board 2003/2004.
16 MS. RUBALCAVA: I would like to object
17 again on grounds of relevance. It has nothing to do
18 with the appeal before you.
19 MR. MOHAJER: So noted.
20 MR. PFAEFFLE: I second that.
21 MS. EDWARDS: Can I interject?
22 I think that what we're seeing here is the
23 fact that this packet was sent to us. And what we
24 do is, as neighbors and human beings, is to look at
25 each thing that is presented to us. And this was

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1 sent to us by the LEA and we -- so we went page by
2 page and found things that were inconsistent. And
3 I -- so it seemed relevant that we point out that
4 possibly there was, at best, a little bit of
5 sloppiness going into the application could be
6 tidied up. Because that was one of the first things
7 in our packet. So this is the way we proceeded. It
8 was not with a Machiavellian intent to just go back
9 and pull up other stuff. It was just what we did in
10 response to a packet that we got.
11 MS. RUBALCAVA: We don't even know if this
12 is the packet that led to the amendment to the RDSI
13 in question.
14 MR. HUNTER: Okay. Well, I won't belabor
15 that anymore. I mean, I was just trying to point
16 you to the fact and what I tried to do is back it up
17 with some documentation to say that yes, we saw a
18 problem with what was there. The LEA saw the same
19 problems and they thought that they had corrected
20 all those problems. And I'm saying that they didn't
21 catch those problems. And so we've submitted
22 additional documentation to support that.
23 If we go to the next letter, item one,
24 finding the amendments consistent with the EIR and a
25 state clearing house 897120 approved November 30,

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1 1993, is not valid. Construction and demolition
2 tailings were not discussed or analyzed in the
3 referenced EIR.

4 Okay. So we're going back to this letter
5 of Gerry, to Frank Kiesler dated August 12th, 2005.

6 And in item three of that same letter the
7 finding that the amendment is consistent with the
8 terms and conditions of the current SWFP is not
9 valid. The SWFP has no provisions for this type of
10 ADC. There is no analysis and it only speaks of
11 green waste that can be taken in the future. So
12 that was for section one.

13 Moving to section three, DOHS, Ken Murray
14 the Solid Waste Facilities Hearing Board dated
15 September 21, 2005. The DOHS indicated that the LEA
16 also found that the State approved ADC did not rise
17 to the level significance that would require the
18 approval process and we don't believe that that's
19 factual.

20 The ADC can have a very significant impact
21 on the environment without benefit of any
22 procedures, protocols or analysis environmental
23 document and without any public input.

24 So, again, that's our position.

25 Moving to section five of the agenda. And

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1 this is supplied by BFI, Frank Kiesler, general
2 manager. He supplied GB 100/G 102-37 dust abatement
3 program dated July 15, 1998.

4 And on page 30 of that document, number one
5 says, quote, "The final fill slopes will be
6 concurrently reclaimed and revegetated and lists of
7 detail."

8 And on page 30, number two says, quote, "A
9 temporary vegetative cover will be established on
10 all slopes and other areas that are to remain
11 inactive for a period of longer than 180 days."

12 MS. RUBALCAVA: I would like to renew my
13 objection that this has nothing to do with the
14 approval of ADC of C & D tailings as alternative
15 daily cover.

16 MR. MOHAJER: Objection by BFI is noted for
17 the record.

18 MR. HUNTER: Okay. If I could at least
19 respond to these things.

20 The reason that we're doing this is this is
21 documentation that is submitted. And as part of
22 this submission, they are submitting -- when it goes
23 to the windy conditions and things that exist in the
24 area and the dust created by the diesel combined
25 with, you know, the potential for the asbestos,

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<p>1 these are the things that, again, the community has 2 concerns about.</p> <p>3 And again, this was submitted to say, well, 4 yes, there's windy conditions over here, but don't 5 worry, guys, we've got it all taken care of because 6 we're revegetating the landfill, so there's no 7 problems with the dust and stuff like that. We're 8 doing dust suppression.</p> <p>9 We're saying, well, okay, you're making 10 these comments, so, therefore, we're addressing 11 those issues and saying, wait, this is nice, it 12 looks nice in writing, but in reality what we see as 13 a community doesn't happen. Okay?</p> <p>14 Again, you know, so this is why we're 15 addressing them.</p> <p>16 But based on that, we say that the final 17 fill slopes are not done. BFI avoids final 18 elevations on the county side.</p> <p>19 The NVC is submitting comments to the 20 proposed new county CUP on pages nine and ten. I 21 attached that in NVC Exhibit AA, NVC Final - 22 Regional Planning Hearing January 12th, 2005. 23 Because I wanted you to see that they're saying this 24 great stuff and we've been commenting on this that, 25 hey, it's not happening. And so I've put that</p> <p style="text-align: right;">30</p>	<p>1 And Richard, as is said and pointed out 2 that it wasn't working very well, in his opinion.</p> <p>3 Also, if you want to look at the cut slopes 4 outside the landfill waste brim. BFI has been 5 unable to revegetate these.</p> <p>6 And the NVC has also submitted comments to 7 the new county CUP pages nine and ten. You can also 8 look and see what those comments were that have 9 already been submitted again to the new county CUP, 10 because we're having problems with what these guys 11 are doing.</p> <p>12 Gerry Villalobos has been informed by the 13 NVC as recently as September 2005 that he needs to 14 keep up with the grid monitoring of areas that are 15 to remain inactive for a period of longer than 180 16 days.</p> <p>17 Now, Richard Lang was very good about 18 keeping this up-to-date and I personally am 19 concerned that this is not happening. We haven't 20 seen an update for quite some time as to what the 21 status is. Because we feel this is one of the 22 methods by which the LEA can ensure that BFI is 23 doing what they're supposed to do.</p> <p>24 And I have a late 2004 aerial and I'm going 25 to talk about the -- up here. And here is the</p> <p style="text-align: right;">32</p>
<p>1 information in there so you could see that.</p> <p>2 Past DOHS inspector Rich Lang expressed 3 concerns that other inter rim areas could not be 4 successfully revegetated. His concern was sometimes 5 the interim revegetation, you know, if you don't 6 seed it -- if you seed it down at the wrong time of 7 year, it's too hot, it doesn't grow. There's 8 problems.</p> <p>9 The BFI has problems doing interim 10 revegetation on this landfill. And again, you know, 11 for the record, it's located in Newhall/Saugus Pass 12 and, basically, it's a wind tunnel. There's two 13 passes of the transverse ranges. One of them is the 14 Newhall/Saugus Pass. So we get about five months of 15 horrific winds coming through there, again the 16 Santa Anas and things like that. Winds from -- the 17 air moves from the upper desert down into the 18 Los Angeles Basin. So we have winds even on 100 19 degree day, you can sit there and watch the top of 20 the palm trees are moving. You know, the air is 21 always flowing backwards and forwards between the 22 interior valleys and the Los Angeles.</p> <p>23 So, you know, for us, the revegetation was 24 a very important thing to help keep the dust down 25 and something that was not happening.</p> <p style="text-align: right;">31</p>	<p>1 landfill sitting up here. I talk about the 2 vegetative state. All of these areas up here, 3 there's no vegetation on these cuts up here 4 especially. They can't do anything about them. 5 They're not being done. So we're saying not just 6 the landfill itself inner rim, also these slopes up 7 here, there's nothing on them and it's been years.</p> <p>8 Again, we're also looking, you know, again 9 this is the pass comes through this area right in 10 through the 14 and the 5 and that's where our winds 11 are blowing. It's predominantly to the south most 12 of the year bringing it over the residential area 13 and also carrying it over the water supplies for 14 Los Angeles, out of the Los Angeles Reservoir.</p> <p>15 That area actually, the processing and -- 16 is for about 17 to 19 million people. This is water 17 storage but they also do the MWD and everything up 18 there. So we think that water supplies, you know, 19 potentially impacted by anything that's carried off 20 of the landfill as well. But that's the area.</p> <p>21 So those are not revegetated at all. Great 22 concern to us and we have made numerous comments 23 under the new CUP that's being proposed.</p> <p>24 All right. Page 30, number four, it says 25 the working faces will be kept contained in two to</p> <p style="text-align: right;">33</p>

1 three acres and if practical during high wind
2 periods will be confined to areas with minimal wind
3 exposure.
4 If the new county CUP is approved, then the
5 working face could go up to ten acres. So we're
6 talking right now about small and this is what
7 they're submitting to you. But if the new county
8 CUP goes through, it could go to ten acres. And
9 again, we've submitted comments. It's on attachment
10 NVC Exhibit AA that we submitted to the Regional
11 Planning Hearing on January 12th. Okay.
12 When the wind blows over 40 miles an
13 hour -- and I put this in because I thought it was
14 interesting -- BFI can tell because the trap on the
15 water tank located right next to the office and it
16 bangs them flaps, so they know it's 40 miles an hour
17 when that thing starts making noise. You know, 40
18 mile an hour winds are pretty extreme. And again,
19 our problem comes as also they don't have the
20 ability necessarily to forecast when these things
21 are going to happen. So even if you have some stack
22 to the side or cover something up, up comes the
23 wind, you know, what can you do about it? You can't
24 run out. You can't water it down. You know, you're
25 in trouble.

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1 But there is an anemometer that was
2 located on the old city dump and it was observed by
3 the South Coast Air Quality Management personnel.
4 Okay. It was holding steady at 100 miles an hour,
5 an estimated gusting to 125.
6 Do you realize it's gale force winds? Gale
7 force winds that we get through that pass.
8 And to be honest with you, this is a
9 personal observation, I think it's a joke when I
10 listen to the winds gusting 25 to 30 miles an hour
11 below the canyons. I'm losing 24 foot of fence
12 blowing away because they howl. You know, I tell
13 them, yeah, there's houses going by me. The winds
14 are so terrific.
15 As a matter of fact, all of the vegetation
16 in that area is predominantly bent over to the
17 south. You can actually go down there and see for
18 yourself. The winds of the Newhall/Saugus Pass.
19 The winds are so bad in this particular area where
20 the landfill is located.
21 The city does not permit C & D and the NVC
22 has submitted comments to the new county CUP on page
23 seven, condition number 19C, and that's included in
24 our Exhibit A.
25 MS. RUBALCAVA: I have to object again.

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1 This is concerning approval concerning the county
2 landfill not the city landfill.
3 MR. HUNTER: Well --
4 MR. MOHAJER: What I would like to say is
5 that your objection is noted but Mr. Hunter, if you
6 would --
7 MR. HUNTER: Well, I can address that.
8 Again, we go to the fact that BFI is in the
9 process with the county of asking for a new
10 conditional use permit which ostensibly they claim
11 is going to make it like the city operation, but it
12 doesn't. And here they are taking in something that
13 they know that the city has already said, "We're not
14 going to allow construction and demolition waste."
15 So what we're saying is, you know, this is
16 incorrect. They shouldn't have even done it in the
17 first place. Yeah. They let it in. They didn't
18 apply and their Solid Waste Facility permit was not
19 current and they shouldn't have done it without
20 applying for it first. And when they were found,
21 they should have just dropped it and let it go and
22 just waited. Because if they go to a combined under
23 the joint powers agreement and they come to a
24 combined city landfill, they're not going to be
25 allowed to do it anyway.

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1 So why are you out there now making
2 application to the county ostensibly to make it look
3 like the city and yet you're doing things like this?
4 And this was the point that I was trying to
5 make and why I've raised the issue. Because if the
6 city and the county combine, it should be banned
7 under the most restrictive conditions, which would
8 be the city conditions.
9 MR. PFAEFFLE: I would like to interject an
10 objection. Also the new CUP, if there is one, will
11 require a new Solid Waste Facilities permit, which
12 will obviate the whole discussion. Plus, whatever
13 the city decides is really irrelevant with regard to
14 what the current Solid Waste Facilities' permit on
15 the county side should or should not provide. Just
16 for the record.
17 MR. MOHAJER: All right. Thank you.
18 MS. EDWARDS: Would that Solid Waste
19 Facilities permit be for a joint operation or
20 for just the county?
21 MR. PFAEFFLE: It would be --
22 MR. MOHAJER: Can I --
23 MR. PFAEFFLE: That's a discussion for
24 another day.
25 MS. EDWARDS: I can't ask that question

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<p>1 human being to human being?</p> <p>2 MR. MOHAJER: I'm trying to have some</p> <p>3 order.</p> <p>4 MR. HUNTER: Chairman, I'm sorry. But</p> <p>5 again, in trying to make the point in the nexus with</p> <p>6 what we're talking about, you've got these people</p> <p>7 saying one thing to another body, making a claim</p> <p>8 that this is what they are trying to do in</p> <p>9 submitting documentation when they're fully aware of</p> <p>10 what is available in the city and yet they're</p> <p>11 ignoring these things.</p> <p>12 If I gave you a copy of our complete</p> <p>13 submission, we go into areas where they cherry</p> <p>14 picked conditions and stuff like that. They omitted</p> <p>15 stuff. This is our point. We're over here now.</p> <p>16 They're fully aware that C & D is not</p> <p>17 permitted in the city and yet they are trying to</p> <p>18 combine the landfill and, you know, county Counsel,</p> <p>19 you know, notwithstanding his comments about it, it</p> <p>20 does matter. Because if any point along the way and</p> <p>21 things are changed and something gets in, we may be</p> <p>22 in a position of we get them -- can get the most</p> <p>23 restrictive when the two entities come together. If</p> <p>24 these are weakened on the county side, then our</p> <p>25 choice is between a weakened county and maybe a</p> <p style="text-align: right;">38</p>	<p>1 you wanted to make some decisions or something like</p> <p>2 that.</p> <p>3 MR. MOHAJER: We are not going to make a</p> <p>4 decision today.</p> <p>5 MR. HUNTER: This is for the record. I did</p> <p>6 submit this. And usually we, you know, again, not</p> <p>7 knowing what your procedure was and how formal you</p> <p>8 were, a lot of times we were asked to make a</p> <p>9 submission, you know, one week before so that, you</p> <p>10 know, the board can have an opportunity to read</p> <p>11 something before we go. In this particular</p> <p>12 instance, we were not. It was kind of like we</p> <p>13 didn't know what to expect here. Okay? And so we</p> <p>14 came with prepared as BFI did because, you know, I'm</p> <p>15 seeing their documentation coming now.</p> <p>16 If you're prepared to continue this so that</p> <p>17 you have an opportunity to read these things and</p> <p>18 then we have an opportunity to respond to what BFI</p> <p>19 has said and have another hearing, then I would be</p> <p>20 prepared not to --</p> <p>21 MR. MOHAJER: Okay.</p> <p>22 MR. HUNTER: Because these are important.</p> <p>23 MR. MOHAJER: Sir, answering your questions</p> <p>24 for the record, I'm not prepared to make a decision</p> <p>25 today. I'm talking on my behalf. Because I can't</p> <p style="text-align: right;">40</p>
<p>1 stronger city. As opposed to if we had a strong</p> <p>2 county, which we believe that we had in the first</p> <p>3 place on the old CUP, okay. So we had a strong old</p> <p>4 CUP and a strong city landfill, hey, we get the best</p> <p>5 of those conditions. But if we weaken this one over</p> <p>6 here on the county side, yes, the public is being</p> <p>7 shafted. Okay? And this is what this goes to.</p> <p>8 And we have submitted legal on this</p> <p>9 particular item, okay, with the county CUP.</p> <p>10 So I find a nexus with what is going on</p> <p>11 over there and what they're doing here. So -- and</p> <p>12 this is all that I tried to bring out in these</p> <p>13 comments that I have supplied.</p> <p>14 Now, I mean, if you're prepared, I'm</p> <p>15 prepared to go through all of these, you know, as</p> <p>16 supplied by Frank Kiesler, general manager with the</p> <p>17 hazardous waste exclusion program. And it was an</p> <p>18 excerpt from Falcon Transfer.</p> <p>19 MR. MOHAJER: Mr. Hunter, if I could</p> <p>20 interrupt. We would be able to read this. If</p> <p>21 you -- you know, if there is anything else that you</p> <p>22 would like to state.</p> <p>23 MR. HUNTER: Well, at this point, and, you</p> <p>24 know, forgive me, I didn't know exactly what you</p> <p>25 wanted to do, if you were prepared at this point, if</p> <p style="text-align: right;">39</p>	<p>1 read stuff and make a decision while I'm speaking.</p> <p>2 So you would know that and I would assume other</p> <p>3 board members feel the same way.</p> <p>4 MS. CLARK: I agree.</p> <p>5 MR. MOHAJER: So any other things that you</p> <p>6 need to indicate?</p> <p>7 MR. HUNTER: Okay. Well, then, I will sort</p> <p>8 of try to summarize it and with the understanding</p> <p>9 that you will not make a decision today, that you</p> <p>10 will take this under advisement and --</p> <p>11 Okay. But, basically, in talking, you</p> <p>12 know, we have some questions about, you know, the</p> <p>13 material that was actually going to Falcon, for</p> <p>14 instance, where it was located. We looked at what</p> <p>15 they were taking. We also looked at actually even</p> <p>16 the homes, for instance, that were being demo'ed in</p> <p>17 the area. Okay? And what we found was that the</p> <p>18 potential for asbestos contamination in their own</p> <p>19 waste stream is extremely high. And so that was,</p> <p>20 you know, the next item that I had.</p> <p>21 Also, one of the things that they had also</p> <p>22 submitted, two load checks a day at Falcon. We</p> <p>23 said, you know, that's hardly enough, as far as</p> <p>24 we're concerned, in order to ensure that asbestos is</p> <p>25 not getting into the waste stream.</p> <p style="text-align: right;">41</p>

1 The other really big concern is that Falcon
2 Transfer is a BFI subsidiary and there's no
3 incentive for BFI to monitor those loads when they
4 arrive at the landfill. And I -- you know, like,
5 for instance, even BFI is the one that supplied the
6 documentation for Falcon, which I thought, you know,
7 that is a little bit strange myself, but they did
8 it. But this is how tight they are together.
9 The fact that, you know -- I don't know. I
10 think the case can be made that BFI has accepted
11 C & D tailings without notifying the county and
12 would have continued had they not been caught by the
13 State inspectors.
14 Falcon Transfer is the same company that
15 dumped untreated red bag medical waste at Sunshine
16 for many months and it was only caught after the
17 county inspector found them.
18 And Mr. Villalobos has also ordered a
19 contaminated loads at C & D that he's discovered
20 there put into the landfill and not used as ADC.
21 So again, BFI was never in the forefront of
22 bringing any, any of these examples to the attention
23 of the authorities.
24 In other words, it was, you know, the LEA,
25 the State that found out that they were doing

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1 therefore it's okay."
2 So they're just taking it on, well, we've
3 got a training program and, et cetera, and we
4 guarantee it doesn't. Well, you know, good luck.
5 Because I don't put my kind of faith in people like
6 that and the people that are receiving it I don't
7 believe can be trusted to monitor the fact that if
8 the loads were bad that they're going to point this
9 out.
10 Again, you know, a lot of other issues that
11 we had. And, again, I will conclude, basically, as
12 far as we're concerned, you know, 27 CCI 20690
13 paragraph A and B, our point is that the burden that
14 the ADC can do what it's supposed to do should be on
15 BFI, you know, to -- that it does not present a
16 threat to human health and the environment. And
17 this is the kind of testing, you know, because you
18 do have to comply with A. Okay. And we realize
19 that, you know, B is in there and it's kind of one
20 of these things you can kind of flip around on. We
21 believe that it's incumbent upon -- I'm sorry. Oh,
22 I'm sorry.
23 MS. RUBALCAVA: That was absolutely
24 clearing my throat. Nothing more.
25 MR. HUNTER: I sometimes make little sounds

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1 something wrong. And so given these kind of
2 situations, why would the county expect BFI to
3 monitor this?
4 Okay. Now, we've talked about -- and I did
5 talk to Ken Murray regarding some information. One
6 of the arguments is well, you know, Falcon has a
7 program where they guarantee they don't have
8 asbestos.
9 Well, you know, I looked at their program
10 and I go, come on. You know, I'm an intelligent
11 person. I can't tell asbestos. I lived in a house
12 that had asbestos and I had no idea and neither did
13 my neighbors. And that was the point that we were
14 bringing. We looked at their training program.
15 And almost right out of the very beginning
16 they say, you can't tell asbestos unless you look at
17 it under a microscope. They give all of this
18 training, but you really can't tell.
19 And there's nowhere in their procedures do
20 they have anything where they actually do a
21 microscopic inspection of anything. So all of these
22 finds that are coming out of that process and that
23 are on there that are going in with the waste that's
24 coming over, they don't take it and analyze it and
25 look at it and say, "You know what, it is free,

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1 when people are talking. I wasn't sure if that was
2 a disbelief sound she was hearing. I wanted to give
3 an opportunity. I'm sorry.
4 Again, we believe they still have to comply
5 with subdivision A of that thing. And BFI has not
6 shown that this ADC doesn't pose a threat to human
7 health and the environment in this specific, site
8 specific case. Again, this may be fine for some
9 remote site landfill sitting out in the middle of
10 the desert. They're not subjected to the conditions
11 that we are. But where we live in its proximity to
12 an urban area and we're, you know, in the prevailing
13 winds and the winds are excessive in this area, we
14 believe that this requires, you know, a much closer
15 review of rather than just go out there and cherry
16 picking some off of some State-approved list of
17 alternate daily covers and then giving them the
18 blessing to do this. There has to be a
19 site-specific analysis. There has to be testing
20 done.
21 The other thing that is a real concern was
22 that when you approve this and their argument is,
23 well, Falcon has these things. When you approve
24 them to accept this, this is not limiting just to
25 Falcon Transfer. This then opens it up to all other

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<p>1 companies. Other companies do not have programs, 2 the same sort of programs. You don't have the same 3 sort of guarantee. 4 So therefore, we're saying you can't say 5 this is good because Falcon is the guy, Transfer is 6 the guys that are doing this. It opens it up to 7 everybody. 8 So anyway, we believe that it's not an 9 appropriate alternative daily cover given the 10 potential for contamination of the C & D combined 11 with the effects of the dust and the diesel traffic 12 and the windy nature of the site which can carry 13 pollutants and pose a threat to human health and the 14 environment. 15 Thank you. 16 MR. MOHAJER: Just one question to 17 summarizing, basically. 18 I was looking at your August 20th letter. 19 So would you rephrase specifically the last 20 conclusion you read? 21 Are you -- 22 What are you asking this board to do? Very 23 specifically. In making it in one sentence. I 24 don't want to go with a paragraph and that sort of 25 thing.</p> <p style="text-align: right;">46</p>	<p>1 the -- you are asking the hearing board to 2 disapprove the use of C & D as ADC at this facility. 3 MS. EDWARDS: I think that, basically, what 4 it comes down to, certainly in this particular case, 5 the disapproval would be good because of the fact 6 that the city and that have problems with what is 7 going to go forward is a joint operation. 8 But conversely, I think that it goes to the 9 greater issue of how we protect people from and make 10 site-specific decisions and how we can involve 11 people in procedures that are never, have never been 12 analyzed at any stage of the EIR process for all of 13 these ADCs so that we can set a general tone that 14 people feel comfortable when one of these is 15 approved; that it will take their particular needs 16 into consideration and they will have some input 17 into the procedure rather than having it declared by 18 fee at as to be under a level of significance. 19 I think this is the greater picture that we 20 hope for for the county and yet specifically we are 21 very concerned about this individual case. And 22 anything you would do to modify it would be, you 23 know, like looking at this little house and 24 forbidding all of these kinds of things would be 25 great.</p> <p style="text-align: right;">48</p>
<p>1 I'm very serious. I just want to know. 2 Because I read this letter too. I read that. 3 You have asked for the hearing. So what 4 specifically Coalition is asking this board? 5 MS. EDWARDS: I get to answer this one. 6 I believe that we're having to trust this 7 board to make a decision, looking at the evidence 8 that we have presented today, to trust this board to 9 put in every measure that will protect us from 10 something that could be a potentially lethal 11 environment. 12 Also, I would like to have the board look 13 at the procedures that go into approving these ADCs 14 so the public can become more involved and they can 15 make site-specific recommendations rather than just 16 taking something from the list in Sacramento. 17 MR. MOHAJER: So -- 18 MR. HUNTER: In short form would be to 19 reverse. In other words, to reverse the approval as 20 given by the DOHS and deny the use of this 21 particular alternate daily cover. 22 MR. MOHAJER: So repeating, because, see, I 23 was getting confused that you're okay with the ADC 24 as long as certain procedure takes place. But 25 that's not the question Mr. Hunter mentioned that</p> <p style="text-align: right;">47</p>	<p>1 But we have to put our lives and fortunes 2 in the hands of the committees like this and ask you 3 to please just use your best judgment. 4 MR. MOHAJER: Thank you very much. 5 So the next one is BFI. 6 MS. RUBALCAVA: BFI. Thank you. 7 Well, like Mr. Hunter, this proceeding was 8 new to me too. And, evidently, it's new to the 9 board. 10 It looks like these types of hearings have 11 just gone into effect in the beginning of this year. 12 So I didn't quite know either what to do and how to 13 prepare for it. So what I did was I've gone back 14 and looked at the procedures that are put forth for 15 approval of these sorts of actions and the 16 procedures for your hearings and I've fashioned my 17 arguments along those lines. 18 I would like to just start though to 19 respond to Mr. Mohajer's question to the North 20 Valley Coalition when you asked them, "What would 21 you like us to do?" I think if you look at that, 22 the question and look at what they're telling you, 23 what they're asking you to do is ignore the 24 procedures that have been established by the State 25 for the use of alternative daily cover and for the</p> <p style="text-align: right;">49</p>

1 ways in which alternative daily cover is used,
2 approved for use at an individual landfill.
3 You know that the Integrated Waste Board
4 has adopted regulations that call for, encourage
5 alternative daily cover as part of meeting the
6 AB 939 mandates. They have gone through notice and
7 public comment rule-making to adopt the regulation
8 that Mr. Hunter mentions, 20690, that looked into
9 different types of materials and determine that
10 certain types would be suitable for use as ADC.
11 The public had the opportunity to comment
12 on those and they adopted a regulation that says if
13 you are one of the listed types of ADC then what the
14 operator does is apply for authorization to use that
15 material and it's approved by the LEA. They have
16 not provided for a second public notice or public
17 hearing process for that.
18 So you're really being asked here by the
19 North Valley Coalition to graft on a whole new
20 procedure to that set of regulations that's already
21 been adopted.
22 Now, I wanted to go back and start by
23 giving you a little bit of a background of what this
24 particular material is and how we got to this place.
25 Falcon did approach the landfill at one

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1 all of that and then they processed all of that and
2 brought that to the landfill. He felt that it fit
3 within that definition.
4 Okay. And so on that basis, BFI filed the
5 amendment to the RDSI. It was approved and the
6 material started coming to the landfill in 2003.
7 MR. MOHAJER: What was the date on that?
8 MS. RUBALCAVA: That was, if you look in
9 your --
10 MR. BITTENSON: 2003.
11 MS. RUBALCAVA: -- notebook it's tab A and
12 that was approved June 3rd, 2003.
13 I've tried to provide support for the
14 things that I'm telling you so you have documents to
15 look at.
16 MR. MOHAJER: Well, all right.
17 MR. BITTENSON: It's 2003.
18 MR. MOHAJER: All right.
19 MS. RUBALCAVA: Now, subsequently, a
20 different inspector also doing an inspection at
21 Falcon determined that Falcon was calling it C & D
22 but BFI was calling it green material at Sunshine
23 Canyon. And so to be consistent, the inspector
24 suggested that it would be appropriate to amend the
25 RDSI to now refer to it as C & D but it was the same

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1 point with certain types of processing material,
2 processed material that they were using at their
3 facility or creating at their facility and they
4 asked Sunshine Canyon if they would be willing to
5 use it as alternative daily cover. A load of that
6 material was brought to the landfill for inspection
7 by the then LEA Richard Lang. He looked at the
8 material and thought that it fit within the
9 definition of green waste material and on that basis
10 asked BFI to amend the RDSI to allow the use of that
11 material as ADC. And upon approval of that
12 amendment to the RDSI, the material started to come
13 to the site. So and it --

14 MS. CLARK: Can we interrupt?

15 MS. RUBALCAVA: Yes. Please do.

16 MS. CLARK: Did you say it was C & D that
17 was, he was saying green waste?

18 MS. RUBALCAVA: The materials that we're
19 talking about when he looked at them, he thought
20 they fit within the definition of green waste.

21 MS. CLARK: And was there C & D in there?

22 MS. RUBALCAVA: Actually, it comes from
23 storm drain catch basin debris.

24 MS. CLARK: Okay.

25 MS. RUBALCAVA: You know how they clean out

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1 material.
2 MS. CLARK: Why would Falcon call it C & D
3 if it was just out of the storm drain?
4 MS. RUBALCAVA: I don't know the answer to
5 that. Perhaps Frank, do you know that?
6 MR. KIESLER: I believe over time when the
7 process was initiated, they were -- it was debris
8 basin cleanout they were processing and over time
9 they expanded it to include C & D but that wasn't
10 reported to the landfill that they were changing
11 their process.
12 MS. CLARK: It wasn't what?
13 MR. KIESLER: It wasn't reported to the
14 landfill.
15 MS. CLARK: So they added C & D in with the
16 storm drain debris?
17 MR. KIESLER: Correct. Correct.
18 MS. CLARK: Okay.
19 MS. RUBALCAVA: So at that point we, the
20 landfill was requested to apply for an amendment to
21 the RDSI, which they did. And then that was
22 approved in 2005. And that's the appeal that we
23 have before you today. And that approval letter is
24 in tab B of the information that I provided.
25 Now, in terms of filing this particular

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1 appeal, if you look at the letter filed by the North
2 Valley Coalition, it is very limited. It is the
3 appeal of this August 2005 decision.

4 And so when I looked at the procedures that
5 need to be followed, and they're set out in Public
6 Resources Code Section 44300 through 310 and
7 Mr. Hunter cites those procedures, so we know he's
8 looked at them too, it really says a number of
9 things.

10 MR. MOHAJER: One exception. Mr. Hunter
11 has referred to it as a Title 27 but it should be
12 Public Resources Code, just for the record.

13 MS. RUBALCAVA: Thank you.

14 So we assume he's aware of those procedures
15 too.

16 And one of the things is that an appeal of
17 a decision must be filed within 30 days from the
18 date the person discovered or reasonably should have
19 discovered the facts on which the allegation is
20 based. And that's found in Section 4310, 44310
21 (A-1) and (A-1 B).

22 Now, what I've told you is that BFI has
23 been using this material since June of 2003 and that
24 was pursuant to an approved amendment to the RDSI.
25 We have evidence and it's, I think, undisputed that

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1 MS. RUBALCAVA: Yeah. Every two months.

2 And again, these Community Advisory
3 Committee Meetings were set up at the request of the
4 North Valley Coalition and others so that they could
5 have a voice in operational issues concerning the
6 landfill once it became open. So it is intended to
7 provide them with a forum to raise concerns such as
8 those that they've raised here before and they have
9 raised all of the concerns probably that we've heard
10 today both at community advisory committee and in
11 the well over 60 public hearings that we've had on
12 the county landfill, the city landfill and now the
13 joint landfill together.

14 So those issues were discussed. On
15 July 14th a report was made. So they were aware of
16 these particular materials.

17 So I would submit first that this appeal is
18 not timely, because they've been aware of the use of
19 these materials for well over 30 days and so I don't
20 believe it meets the requirements for an appeal on
21 that ground.

22 Secondly, when you look at the procedures
23 for an appeal, they are required to file a statement
24 of issues. Well, we have a very short letter that
25 just says we don't like C & D because it might

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1 the North Valley Coalition has been well aware of
2 the use of this material dating far back, you know,
3 into this year.

4 If you look at tab C you will see that
5 there is -- there are the minutes of the Sunshine
6 Canyon Community Advisory Committee. That's for the
7 county landfill of which Mr. Hunter is a member.

8 And if you'll look kind of midway down
9 there's a little box around one of the notes. The
10 LEA is reporting on the joint State and local
11 inspection of the facility on April 2nd and that it
12 was during that facility inspection that the issue
13 of what we should -- what should -- this material
14 should be called should be called green waste or
15 C & D. That issue was brought to BFI's attention at
16 that April 2nd inspection.

17 So on May 12th the community is informed of
18 that particular decision and it's discussed and they
19 asked for a full report by whoever they referred to
20 as the head LEA.

21 The next tab is the next Community Advisory
22 Committee Meeting and this is set for July 14th.
23 They meet every two months.

24 Is that correct, Frank?

25 MR. KIESLER: Uh-huh.

55

1 contain asbestos and that asbestos might find its
2 way into the community which is located a mile away
3 from the county landfill. But there is no evidence
4 that supports any of that. And Mr. Hunter hasn't
5 been able to give you any evidence that either there
6 is asbestos in the particular materials that they're
7 getting or that it will find its way into the
8 community. It's just speculation. And that's all
9 we're hearing.

10 The other thing is the -- an appeal is
11 supposed to tell you how it is that either -- that
12 the LEA failed to comply with the requirements of
13 state law. So it should be saying, you know, this
14 doesn't comply with this section of the Public
15 Resources Code or it doesn't comply with a
16 regulation to which you're bound to follow, you
17 know, of the Title 27 or Title 14 and here is how it
18 doesn't comply. There's nothing in that appeal.

19 I mean, all we know is that -- and they
20 even admit that we have an approved amendment to the
21 RDSI. So I submit to you that the process has
22 worked just as it's intended to do by the State. We
23 have a system whereby when a change is made at a
24 landfill, an amendment is required to the RDSI, the
25 LEA evaluates the amendment and then there's an

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1 approval.
2 So I submit to you that they can't really
3 show how it is that this particular use of ADC
4 doesn't meet the requirements.
5 If you look at 20690, it's very clear it
6 doesn't require a site specific demonstration for --
7 MS. CLARK: What is that? Look at what?
8 MS. RUBALCAVA: Title 27, Section 20690.
9 That is -- I'm sorry. I've been writing this brief
10 and I'm too familiar with this number now. That and
11 there's no reason why you should know that off the
12 top of your head. That is the State regulation
13 adopted by the Integrated Waste Management Board
14 that specifies what types of material can be used in
15 alternative daily cover and specifies the
16 performance standard which they must meet.
17 And when I talked about an adoption of a
18 regulation by the Integrated Waste Management Board
19 after public notice and comment and, frankly,
20 with -- after preparation of an environmental
21 document, because you know the State, whenever it
22 adopts a rule or regulation of general applicability
23 that has the potential to effect the environment, it
24 must go through CEQA too. So all of these
25 procedures have been followed.

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1 recycling. And so this particular program was put
2 together, it was included in the EIR for the county
3 landfill and it goes into looking at what could be
4 done in terms of recycling of several categories of
5 waste.

6 They include yard waste, wood waste
7 inorganic material, which is described as
8 construction and demolition, and corrugated paper.
9 And those are analyzed in this appendix to the draft
10 EIR.

11 They also looked at environmental issues.
12 They also looked at air quality, odors, traffic,
13 noise and talked about the environmental impacts in
14 connection with the overall approval of the
15 landfill.

16 So yes, there is a certified CEQA document
17 for the county landfill and certified I believe in
18 1993. It was challenged by the North Valley
19 Coalition. It went all the way up, I believe this
20 one went to the California Supreme Court and was
21 upheld.

22 So we have a certified EIR that actually
23 discusses these recycled uses. It also discusses
24 the fact that they would be used as part of daily
25 operations and cover is described in there.

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1 Now, so I think the bottom line is they
2 simply have failed to give you any facts upon which
3 to base a decision. They didn't come forward with a
4 statement of issues. Their appeal is not timely.
5 And they haven't cited to you anything that the LEA
6 did wrong here. And in fact, the LEA has followed
7 all of the appropriate procedures as has BFI.

8 Now, I did want to talk about a couple of
9 things that Mr. Hunter mentioned. And one he says
10 is that when we get to the findings and order, what
11 findings are required in order to amend the RDSI?
12 One is that the proposed change that the landfill is
13 going to make has to be consistent with any
14 certified CEQA document and the North Valley
15 Coalition says that there was no such discussion in
16 the EIR for the county landfill.

17 I have included in my exhibits appendix six
18 from the draft EIR that was prepared for the county
19 landfill and this is called the Solid Waste Recovery
20 and Recycling Program. The interesting thing about
21 this particular program is it was developed in
22 response to community concerns to show that they
23 wanted more recycling.

24 North Valley Coalition and others were
25 arguing that they wanted to see a greater level of

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1 It doesn't use the term alternative daily
2 cover because ADC didn't exist at that time. But
3 it's clearly talking about using these processed
4 materials as soil amendments for cover. So it
5 clearly discusses exactly what is happening here.
6 It just doesn't use the terminology.

7 So in terms of the first finding that the
8 LEA was required to make here, that it is consistent
9 with the certified CEQA document, the truth is it
10 is. It's also consistent with the CEQA document
11 that was prepared for the -- when the rules were
12 adopted, the Section 27 20690, the State regulation
13 for alternative detail cover. The potential adverse
14 impacts of that rule-making were looked at in a CEQA
15 document.

16 I believe Mr. Pfaeffle has something that
17 he might will share with you.

18 Also, it's consistent with our land use
19 permit.

20 I included our CUP in my materials too.
21 It's in tab G. There is a condition 10 J. In other
22 words, the county requires us, requires BFI to
23 utilize waste materials received and processed at
24 the landfill, such as shredded green waste as a
25 supplement to daily intermediate and final cover to

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<p>1 the extent deemed technically feasible and 2 acceptable by regulatory agencies. Again, these 3 were conditions that were put into our CUP to make 4 us do exactly what we're doing here. So that's in 5 the CUP.</p> <p>6 The proposed change is consistent with the 7 State minimum standards. I've talked about that a 8 couple of times already. But the State minimum 9 standards for alternative daily cover are found at 10 27 CCR 20690. And the procedure is just the 11 procedure we follow. You make an amendment to the 12 RDSI. It's approved. You institute the change.</p> <p>13 And also, it does not conflict with any 14 term or condition of the Solid Waste Facilities 15 permit.</p> <p>16 Mr. Hunter says, "Well, it's not allowed. 17 This the Solid Waste Facilities permit." But 18 Mr. Mohajer especially knows that your direction on 19 Solid Waste Facility permits are not to make them 20 terribly specific but to provide general overviews. 21 There's a direction in the State regulations to that 22 effect. So there's nothing in the Solid Waste 23 Facility permit that conflicts with this use and 24 that's why an amendment to the RDSI was appropriate 25 and why there's no need to amend the Solid Waste</p> <p style="text-align: right;">62</p>	<p>1 MR. MOHAJER: Yes. Later on. 2 MR. PFAEFFLE: Afterwards? 3 MR. MOHAJER: Right. 4 I would like to go around based on what we 5 discussed. 6 MR. PFAEFFLE: Okay. My name is Fred 7 Pfaeffle. I represent the LEA and I just want to 8 pick up on a few points that BFI has raised in its 9 presentation and then I have some questions that I 10 think might be dispositive and might be very helpful 11 to this panel in reaching a decision. 12 In particular, I'm very interested in what 13 BFI's statement was that the appeal is not timely 14 under 44310 B. 15 Under 44310 B of the Public Resources Code 16 it is stated that the -- if the hearing request is 17 made by a person alleging that the enforcement 18 agency failed to act as required by law or 19 regulation or pursuant to Section 44307 of the 20 Public Resources Code, the person shall file a 21 request for a hearing within 30 days from the date 22 the person discovered or reasonably should have 23 discovered the facts on which the allegation is 24 based. 25 So it seems to me if the North Valley</p> <p style="text-align: right;">64</p>
<p>1 Facilities permit. 2 So in conclusion, I don't think they 3 followed the proper procedures for this appeal and I 4 don't think they provided any facts for you to reach 5 any different decision than the LEA did. 6 Thank you. 7 MR. MOHAJER: All right. Thank you. 8 I would like to take about five minutes 9 break. 10 Is that okay with you? 11 THE REPORTER: Sure. 12 (Recess taken from 11:05 a.m. 13 to 11:24 a.m.) 14 MR. MOHAJER: Okay. We are going to go 15 back on the record. It's 11:25. 16 Mr. Hunter. 17 MR. HUNTER: Yes. I would like a chance to 18 address some of the issues. 19 MR. MOHAJER: Yes, you will, after we go 20 around, because the last part of the deal. I -- 21 MR. HUNTER: Thanks. 22 MR. MOHAJER: The next item is the LEA. 23 MR. PFAEFFLE: Mr. Chairman, are we going 24 to give an opportunity to the North Valley Coalition 25 to respond to BFI before we --</p> <p style="text-align: right;">63</p>	<p>1 Coalition or its representatives discovered or 2 reasonably should have discovered the facts on which 3 their allegations are based for this hearing prior 4 to -- I'm looking at the August 20th, 2005 letter of 5 the North Valley Coalition, so that would place it 6 on or about July 20th, 2005. And this appeal should 7 be found untimely is my thinking at this point. 8 Now, I'm looking at -- 9 MR. MOHAJER: This appeal should be found 10 untimely? 11 MR. PFAEFFLE: Untimely. And therefore, it 12 should not be considered. 13 And I'm looking at the packet that the 14 North Valley Coalition submitted to this hearing 15 board and attached to it are some e-mails that were 16 provided -- there is an e-mail from Mr. Villalobos, 17 who is here today who could confirm that, in fact, 18 he sent it on that date. 19 I'm sorry. From Mr. Bill Marciniak of the 20 California Integrated Waste Management Board who is 21 here today provided to Suzanne Hamilton. 22 Correct? 23 And it provides the exact procedures for 24 the appeal that we have here today. It suggests 25 that there was some communications to</p> <p style="text-align: right;">65</p>

1 representatives of the North Valley Coalition as
2 early as July 15th, 2005. And I'm also looking at a
3 document that was submitted by BFI. And I
4 apologize. I don't remember what exhibit the black
5 binder --

6 MS. TAYLOR: It's BFI Exhibit 1.

7 MR. PFAEFFLE: BFI Exhibit 1 for BFI and
8 I'm looking at tab D, as in dog, where there is --
9 there are minutes of a meeting held on July 14th,
10 2005, where there are specific discussions with --
11 that are documented or purport to be documented in
12 these minutes with Mr. Wayne Hunter, who is present
13 here today, that specifically discuss the appeal.

14 So if I'm looking at these documents, I
15 don't know, perhaps we can ask Mr. Hunter what his
16 mind set and understanding is of when -- of what
17 facts he knew at the time to see if, in fact, they
18 should have -- whether the use of the ADC that is
19 being appealed here today was, in fact, discovered
20 or reasonably should have been discovered as early
21 as the 14th of July of 2005 but perhaps before that.

22 MR. MOHAJER: Well, let me ask you a
23 question, Mr. Pfaeffle. There is a letter from the
24 LEA to Mr. Fesler dated August 12th, 2005, which
25 formally approved the use of ADC in this package, in

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1 MR. HUNTER: Yes.

2 MR. PFAEFFLE: Is there anything contained
3 on tab D of Exhibit 1 that you found to be
4 incorrect? It's not reflected at what occurred at
5 that meeting.

6 MR. HUNTER: No. That's -- although the
7 minutes are not perfect, there's also the C & D
8 notation in here is not on the original minutes that
9 we received as members of that board. This is an
10 insert by somebody from BFI.

11 MS. EDWARDS: Subsequently.

12 MR. HUNTER: Subsequently.

13 By the way, I'm just saying, these are the
14 minutes of the meeting, but this is an amendment to
15 that which is not present before. Of the C & D.

16 Mary was questioning what was happening
17 with the different materials, exactly what somebody
18 inserted C & D.

19 MR. PFAEFFLE: There is a statement on page
20 two of that, those minutes that states, "Gerry
21 Villalobos stated you would have to file an appeal
22 through the proper channels and he would notify
23 Wayne Hunter as to how to file the appeal."

24 Is --

25 MR. HUNTER: Correct.

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1 the agenda package, tab one. The letter is dated
2 August 12, 2005, and the North Valley Coalition is
3 dated August 20, 2005, which is within eight days.

4 MR. PFAEFFLE: Well, yes.

5 MR. MOHAJER: So are you raising the issue
6 on the basis that North Valley -- that the coalition
7 should have known?

8 MR. PFAEFFLE: I'm reading the language of
9 the statute, so I am raising that issue.

10 MR. MOHAJER: Right.

11 Okay. Thank you.

12 MR. PFAEFFLE: So am I permitted to ask a
13 question of Mr. Hunter?

14 MR. MOHAJER: Yes.

15 MR. PFAEFFLE: Mr. Hunter, were you present
16 at a meeting on July 14th, 2005, that is evidenced
17 by the minutes shown on Exhibit -- excuse me, on tab
18 B, Exhibit 1?

19 MR. HUNTER: Tab, we're talking about
20 BFI's?

21 MR. PFAEFFLE: BFI. Correct.

22 MS. EDWARDS: I was there also.

23 MR. HUNTER: Yes.

24 MR. PFAEFFLE: Have you had a chance to
25 read the minutes?

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1 MR. PFAEFFLE: Is that correct?

2 MR. HUNTER: That's correct.

3 MR. PFAEFFLE: So did you know as of that
4 date that you needed to file an appeal for the use
5 of alternative daily cover?

6 MR. HUNTER: It was not the use of. If you
7 go back -- and this is what I wanted to address with
8 BFI's statement by their attorney. I was very
9 specific about what I said. Okay.

10 We first learned that the LEA had given us
11 approval on August 17th as a result of a call. In
12 other words, you can't appeal something that hasn't
13 happened. It was not the use of the, it was the
14 approval, the subsequent approval.

15 We spent many months prior to that trying
16 to get the LEA to stop the use of that material
17 until such time as the RDSI had been amended and
18 approved. Okay? We went through that. They only
19 ended up stopping it a week or so before you finally
20 approved it.

21 Okay? But we weren't told that it had been
22 approved. We had no knowledge of that. No
23 notification.

24 Only by virtue of a call that was made on
25 August 17th, 2005, did we find out that there had

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1 been a prior approval, okay, by DOHS. So you can't
2 approve something that you don't know has been
3 approved. Plus, we had spent months just trying to
4 get these guys to stop using the stuff until it came
5 up.

6 Now, there is no public process for, okay,
7 participation for the public in that decision. So
8 what was I going to do? You can't go up and say,
9 we're already saying "Don't use it, Don't do it,
10 Don't go through" --

11 MR. MOHAJER: Mr. Hunter, I understand and
12 I just want to also go on that basis that official
13 notification of approval based on this, the writing,
14 was August the 12th to BFI. You appealed the
15 decision on August the 20th.

16 Mr. Pfaeffle, for the record, stated that
17 you should have known. And you indicated, well, you
18 could not file an appeal because there was no --

19 MR. HUNTER: Decision.

20 MR. MOHAJER: Thank you.

21 MR. HUNTER: I'm sorry. I should have said
22 that much better.

23 MR. PFAEFFLE: Actually, my position is
24 that there was a decision as he admitted where he
25 tried to or the North Valley Coalition attempted to,

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1 as Mr. Hunter states, force the -- or persuade, I
2 think that's what he meant, the LEA to force the BFI
3 to stop the use for a number of months prior to the
4 formal approval. And my position is that under
5 44310 B of the Public Resources Code that makes the
6 appeal untimely.

7 MR. MOHAJER: Okay. But let me play a
8 double role. Now, the use of ADC -- I mean C & D as
9 ADC was not approved. The regulation were not
10 adopted until July 23rd of 2005. But BFI, at least
11 the document is submitted, were using the C & D and
12 that's the reason why the Waste Board has cited, at
13 least indicated to BFI in their letter, it's not the
14 correct one, that the permit that you need to get
15 approval for use of C & D as an alternative daily
16 cover. So this is at least playing, as I said,
17 playing a double role. So you may want to consider
18 that part also as an overall picture.

19 MR. HUNTER: Yeah. Again, how can you
20 appeal something or respond to something that hasn't
21 occurred?

22 There is a process going on. We had to
23 wait at some point.

24 And again, I want to point out, you did
25 this on the 12th, but we still weren't notified, we

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1 were not informed by DOHS. And Gerry knew this was
2 a great interest to us. It was only by a call on
3 the 17th that we found out that it even occurred.

4 As soon as we found out, then we filed it.
5 It took us a couple of days to get the stuff
6 together. I had to get the information from Gerry.
7 He actually supplied the code that I was supposed to
8 go under. That information was supplied by DOHS.
9 Because again, they were supposed to give us
10 information on how to file an appeal. These people
11 are doing it. We wanted it stopped. DOHS didn't
12 stop it. Okay. And they're saying that they need
13 to get approval.

14 Okay. So we waited until the process was
15 approved and then we said, "Okay. Now we can come
16 in."

17 Because as I said, there's no way for the
18 public to participate in that process prior to that
19 point in time. This was strictly between the
20 landfill operator, the State and you as the LEA.
21 There is no part that allows us to come in and say,
22 we were just jumping up and down saying we think you
23 guys ought to stop doing this because it isn't right
24 and they don't have it in their solid wastes
25 facilities permit.

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1 At the point it was approved, then we could
2 now get into the process and say, okay, we are now
3 allowed to file.

4 This is when we found out on the 17th that
5 you had approved this on the 12th. And we
6 subsequently filed the appeal on the 20th.

7 MR. MOHAJER: I just want to make one
8 correction. I referred to the date of adopted the
9 regulation. I said July 23rd, 2005. It's
10 July 23rd, 2004. For the record.

11 Go ahead, Mr. Pfaeffle.

12 MR. PFAEFFLE: I just want to point out the
13 language of the minutes were the North Valley
14 Coalition is told specifically on the 14th -- July
15 14th, 2005, that they would have to file an appeal.
16 And it wasn't filed until after 30 days following
17 that date.

18 I think under the 44310 B language there
19 needs to be a serious consideration whether it was
20 timely filed and we feel it was not.

21 MR. MOHAJER: Okay. Thank you.

22 MS. CLARK: In the same minutes it says,
23 July 14th, it says -- the question was if the
24 application had been submitted to the county and
25 Gerry Villalobos said the application had been

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1 submitted and had not yet been approved.
2 So I'm confused now.
3 MR. PFAEFFLE: Well, the language of the
4 Public Resources Code does not say it's 30 days from
5 the approval. It goes beyond that and it says 30
6 days from the date the person discovered or
7 reasonably should have discovered the facts on which
8 the allegation is based.
9 The facts on which the allegation is based
10 were clear before the 30 days. That to me is
11 evident based on the evidence that's on the record.
12 If they have to wait for the approval,
13 that's not what the language of the statute says.
14 MS. CLARK: So they could have filed it
15 several months ago, you're saying, even though it
16 wasn't approved?
17 Why would you file an appeal if something
18 wasn't approved?
19 MR. PFAEFFLE: They on as early as this
20 date, based on these minutes, it was clear that they
21 were told they had to file an appeal.
22 MS. CLARK: Where does it say that?
23 MR. PFAEFFLE: It's on page two of tab D of
24 Exhibit 1, the ninth full paragraph where
25 Mr. Villalobos stated you would have to file an

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1 found out by accident. That was what was explained
2 to us.
3 Gerry is the one that supplied the, as I
4 said, the Public Resource Code to us, et cetera. He
5 was the one that gave us the information. But you
6 can't do it before there's something happening. And
7 that thing that you're talking about is not that
8 conversation, the way that you characterized it did
9 not happen that way.
10 MS. RUBALCAVA: So your concern initially
11 was that they were not, they hadn't gotten proper
12 approval pursuant to the regulations. And once they
13 got proper approval, then you're appealing the use
14 of it. Because it's the use that's bothering you
15 all along and it's the use you've known about for a
16 long time.
17 MR. HUNTER: That's correct. I agree.
18 MS. RUBALCAVA: And that's the agreement
19 Mr. Pfaeffle is making.
20 MR. HUNTER: But again, we were working
21 with DOHS. We didn't know that it was going to be
22 approved. We didn't know what was going to happen.
23 And then when it was, then we reasonably
24 said, okay, we'll file the appeal. We have an
25 issue.

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1 appeal through the proper channels.
2 MS. RUBALCAVA: They were alleging that the
3 material was being used without approval at that
4 time. And they were told to appeal that decision,
5 that they were aware of the facts and that's what
6 the statute says.
7 MR. HUNTER: That is an incorrect
8 statement.
9 MR. MOHAJER: Okay. So --
10 MS. RUBALCAVA: What about it is untrue?
11 MR. HUNTER: That was not what was
12 expressed to us at that particular meeting. You're
13 placing a -- this is not a court reporter notes.
14 Okay. This is just basic summaries of things that
15 happened. Okay? And you know you're placing a lot
16 in the wording.
17 The discussion was that this material was
18 being used. We had all talked about it. We were
19 trying to get DOHS to stop it. They said they had
20 an application in and that if we wanted it in, we
21 would have to appeal it. Okay? They were in for
22 approval. That's exactly what they talk about.
23 So when we found out it was approved, we
24 appealed. And we didn't find out until the 17th and
25 not through notification. Nobody told us. We just

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1 MS. RUBALCAVA: So your issue was never a
2 procedure wasn't followed.
3 MR. MOHAJER: Excuse me. I would like to
4 have some order.
5 And so before we go further, Mr. Bittenson
6 has a question also. But before Mr. Bittenson asks
7 the questions, for the record, the question was
8 raised by Ms. Edwards as to whether Mr. Bittenson
9 can make a decision. I don't know exact wording
10 that was used, so I would leave that one to
11 Mr. Bittenson to respond.
12 Also, for the record, I have been involved
13 with the Sunshine Canyon Landfill, this particular
14 landfill, since 1983 and I continue to be involved
15 with the issue even to this day and not as -- at the
16 same capacity, but speaking for myself, the decision
17 I'm going to be making is going to be based on the
18 facts and also based on what has happened and what
19 is provided to us.
20 MR. BITTENSON: Mary, in response to your
21 question can I be objective? Absolutely, I can be.
22 MS. EDWARDS: Good.
23 MR. BITTENSON: Even go back to the
24 articles that I wrote to the news about some of the
25 things that were going on, including the

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1 recommendation if they found an alternative to the
2 disposal, use it and don't use Sunshine anymore.

3 I have no connection with them. I haven't
4 had for ten years. It's been almost ten years since
5 I retired from them.

6 MS. EDWARDS: We've been through so much
7 together in all of those years.

8 MR. BITTENSON: The -- there's some
9 confusion in my mind.

10 In your appeal it is my understanding that
11 you are appealing the approval of the use of C & D
12 residuals as ADC.

13 Is that correct?

14 MS. EDWARDS: Yes.

15 MR. BITTENSON: Okay. The appeal was
16 issued. The appeal was issued on the 12th of
17 August. Excuse me. A permit was issued on the 12th
18 of August. Approval. Your request came out on the
19 20th. I think that's within the period of time for
20 the issue that you have brought before us. Not any
21 issue that you might have had with the LEA as to
22 whether or not there was knowledge of a problem in
23 your eyes that they were accepting something and
24 didn't. That time may have passed. But I don't
25 think that that's what's before us. Because that's

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1 processing the debris basin material which -- and
2 that was material that was brought up and as a load
3 to show to the LEA inspector at the time Richard
4 Lang. So, you know, what do you think? What is
5 this material? He looked at it and he determined
6 that the material was consistent with the definition
7 of green waste.

8 MS. CLARK: Right.

9 MR. KIESLER: And at that point he advised
10 us that if we wanted to use it as ADC we would have
11 to in our RDSI amend, which we did, and that was
12 subsequently approved after which we began utilizing
13 the material. Sometime after that Falcon permitted
14 their -- unbeknownst to us, permitted their process
15 as a C & D processing line.

16 MS. CLARK: They permitted? What do you
17 mean?

18 MR. KIESLER: They modified their permit
19 and categorized it as a C & D processing.

20 MS. CLARK: Modified the permit with who?

21 MR. KIESLER: At Falcon with their LEA. I
22 believe Falcon is in the city of Los Angeles, so
23 with the LEA who issued their facility permit they
24 modified that permit, that LEA to represent that
25 process as a C & D processing facility.

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1 an LEA issue in adherence to permits. What's before
2 us is whether or not their decision to approve this
3 was proper and in accordance to the regulations that
4 are out there for them to operate with.

5 Have I properly defined what you're asking
6 for?

7 MS. EDWARDS: Absolutely.

8 We're dealing with a public here that
9 doesn't have the access to all of the many codes and
10 regulations. We're trying to, you know -- but,
11 basically, you have framed that very well.

12 MR. BITTENSON: Okay. Okay. That's all I
13 had as a question.

14 MS. CLARK: I have some questions.

15 Okay. I need some clarification again from
16 what is your name again?

17 MR. KIESLER: Frank Kiesler.

18 MS. CLARK: Frank. Okay.

19 You said that originally you were using the
20 storm drain debris residuals and that was considered
21 green waste. And then you added C & D but didn't
22 inform the Waste Board or whoever, the -- you used
23 the word -- I think you used the word --

24 MR. KIESLER: Falcon. The processor who
25 when they initially started their process, they were

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1 MS. CLARK: And do you know when that
2 happened?

3 MR. KIESLER: I believe it was sometime in
4 2004.

5 MS. CLARK: Okay. Now, because I'm looking
6 at this historical summary report for the Sunshine
7 Canyon and it says it's updated July 15th, 2005.

8 MR. KIESLER: Are you looking at the --

9 MS. CLARK: Well, for 2004 and they're both
10 the same. They're prepared the same time.

11 MR. KIESLER: Okay.

12 MS. CLARK: 2004 you look under ADC and
13 C & D and it has zeroes for all of the quarters and
14 the total.

15 MR. KIESLER: In green waste it has. And
16 that at the top of that --

17 MS. CLARK: Wait. I don't understand that.
18 Explain this to me. Why does it say zeroes
19 for C & D?

20 MR. KIESLER: Well, the point I was trying
21 to make is that that facility changed their process
22 and didn't report it to us.

23 MS. CLARK: Okay. But you turn over to
24 2005 and it's the same also.

25 MR. KIESLER: That would -- that needs to

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1 be corrected.
2 MS. CLARK: Well, but that implies to me --
3 now, I'm just coming in kind of new on this process,
4 but you're saying that they should have known and
5 they didn't apply in time and things like that, and
6 then but a chart here says if -- I mean, if the
7 public was looking at this to see if this tells what
8 is being disposed of and they see zeroes, I mean,
9 you can say it needs to be updated, but to base
10 their appeal, that they didn't appeal on time, that
11 they should have known and they should have done it
12 sooner when here is a document that says it's not
13 being used.

14 MR. KIESLER: Well, first I would have to
15 look at the source information to see how this was
16 provided, but then -- I guess it doesn't change the
17 fact that there were CAC meetings in which that very
18 issue was discussed and they were fully aware of
19 that.

20 MR. MOHAJER: Okay. This is a -- the
21 source of this document is a disposal reporting
22 system.

23 MR. KIESLER: I understand.

24 MR. MOHAJER: According to the State of
25 California Area Waste Management Board Regulation,

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1 the same regulation that we are trying to make a
2 decision and this appeal exactly the same
3 information, the same body of law and regulations
4 and at least the information it is provided over
5 here that goes to the Waste Board, to the county, to
6 the individual cities that they have to substantiate
7 their 50 percent waste reduction mandate based on
8 this record that BFI have submitted to the county is
9 incorrect and so I can maybe say that it has
10 impacted all jurisdictions that they have -- I can't
11 substantiate that, but based on this, all
12 jurisdictions that have submitted materials to
13 Sunshine Canyon for use as alternative daily cover,
14 they're not getting the correct information.

15 MS. RUBALCAVA: I would point out on this,
16 we're talking about the first two quarters of 2005.
17 And those, that was being done pursuant to the
18 amendment to the RDSI that was categorizing this
19 material as green waste. So it wouldn't start
20 showing up until the approval for C & D which
21 occurred on August 12th.

22 MR. MOHAJER: But there are records in this
23 information over here that shows that quote/unquote
24 C & D was being used before. So, you know, it's
25 something that BFI has to -- at least one of the

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1 items that I will be asking to clarify as to so
2 everybody would be on the same base.

3 And I don't know whether this is going to
4 cause any changes to the reporting system that the
5 cities submit to the State as a part of their 50
6 percent AB 939 waste reduction mandates. I don't
7 know.

8 But the importance, the correctness of the
9 data, especially these days, under \$10,000 penalty
10 to the cities becomes pretty important. So I was
11 not going to be raising the issue, but this is a --
12 at least that's why I wanted to look and see the
13 data comes out from the permittee to all agencies is
14 uniform and not different, presented differently.

15 MS. CLARK: And I had one other question.
16 I don't know where I -- it is in the document, but
17 in your definition of C & D you had concrete,
18 asphalt and one other thing. And I'm not sure where
19 that was. And to me that's different than a
20 building, a house that has all this potential
21 asbestos in it. So I'm very concerned about the
22 definition of C & D.

23 And I suppose that's in statute, but I'm
24 very disturbed by the fact that if asbestos is not
25 detectable except under a microscope, which your

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1 regulations, your training manual states, how can
2 you say that the material from a house is safe going
3 to this, now that you have crumbled it all up, I
4 guess, to make it? That's what you do, I guess. Do
5 you crush it?

6 MR. KIESLER: No. The facility doesn't
7 do --

8 MS. CLARK: Okay. How does it get to --

9 MR. KIESLER: To answer your question about
10 how the material, how asbestos is prevented is first
11 of all, a contractor doing demolition in a house has
12 to verify that the asbestos is not in the materials.

13 MS. CLARK: Oh, goodness. I'm sorry.
14 A contractor tearing down the walls is
15 going to know?

16 MR. KIESLER: They're legally obligated to
17 know.

18 MS. ZILIAK: They don't know.

19 MR. KIESLER: Correct me if I'm wrong.
20 There's a law that requires them to
21 determine it.

22 MS. CLARK: Yeah. So --

23 MR. KIESLER: So that's the basis of why
24 material wouldn't get to us is because there's a
25 body of law and requirements as the housing material

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1 is handled, identified, handled and mitigated prior
2 to nonasbestos material being transported to this
3 facility for processing.

4 MS. CLARK: So you're putting the onus on
5 the contractors rather than on your Falcon?

6 MR. KIESLER: It's consistent with
7 hazardous waste regulations as well in that the
8 generator is the party for identifying and ensuring
9 the material is properly categorized and properly
10 managed.

11 MS. CLARK: So your mandate is for workers
12 at Falcon to -- in case some sneak through?

13 MR. KIESLER: It's another layer of
14 protection. We train people to look for materials
15 that might be asbestos-containing and that's
16 another -- it's a layered approach on how to protect
17 employees, the public and then also to ensure the
18 facilities are in compliance. The generator is
19 responsible, has responsibilities.

20 MS. CLARK: So how do you define C & D
21 then?

22 MR. KIESLER: By the Title 27 Regulation.

23 MS. RUBALCAVA: It's defined. There's a
24 defined term in the regulation.

25 MS. CLARK: I'm sure there is.

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1 So you're, basically, saying that none of
2 this house thing, this little diagram of the house,
3 none of that is getting into your ADC?

4 MS. RUBALCAVA: The Integrated Waste
5 Management Board has defined C & D material in their
6 regulations and they have determined that C & D
7 materials are acceptable as alternative daily cover.
8 They are looking at their, the system that's in
9 place that Mr. Kiesler mentioned which starts with,
10 you know, permits for the removal of
11 asbestos-containing material, puts requirements on
12 contractors that requires load screening, that
13 requires training of people.

14 MS. CLARK: Now, who is screening the load?
15 The contractor or Falcon?

16 MS. RUBALCAVA: At its next place where
17 it's taken. If it's going to a transfer station,
18 there are procedures in place and that's what
19 Mr. Kiesler was talking about, to train the
20 employees to check for hazardous materials and
21 remove them from the waste load. They're not
22 supposed to be there in the first place. There are
23 contractual arrangements that say you're not
24 supposed to bring asbestos-containing material here.
25 There's special regulations, special landfills for

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1 that.

2 MS. CLARK: Uh-huh.

3 MS. RUBALCAVA: But people realize it does
4 come in, so it's inspected. When they see things
5 that are likely to contain asbestos-containing
6 material, they're removed. They don't need to look
7 at them under a microscope because they're culled
8 from what's in the station and removed.

9 Okay. Also at the landfill when they're
10 taking direct deposits, I mean, they're also trained
11 there to look for the material.

12 But it is a system and it's a system that's
13 been established by the Integrated Waste Management
14 Board and local jurisdictions to try to prevent to
15 the greatest extent possible this material from
16 getting there.

17 And again, the integrative board has
18 considered the fact that yes, there's a potential
19 for things like this to be in C & D but they've
20 determined when they adopted a regulation that said
21 C & D material can be used as alternative daily
22 cover that they don't believe it poses a significant
23 environmental impact.

24 The system, you can't look at one piece and
25 say, well, you know, because my neighbor threw away

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1 a piece of linoleum tile with mastic on the back of
2 it that, you know, vast plumes of asbestos are going
3 to get into the air. I mean, we're talking about a
4 system of a number of places where they are trying
5 to keep it out of the way stream.

6 MR. MOHAJER: Let me just jump.

7 You indicated well, you can't just look at
8 only one piece to come up to some asbestos gets in
9 the facility or not.

10 Can -- would you maintain the same position
11 when it comes to looking at the appeal for the ADC
12 using the C & D and ADC, just look at only one
13 section of the regulation and not look at the
14 overall picture?

15 MS. RUBALCAVA: I looked at the regulations
16 for the appeal procedures as a whole.

17 MR. MOHAJER: Okay.

18 MS. RUBALCAVA: Because they relate to --

19 MR. MOHAJER: So you looked at the broader
20 picture rather than those two specific sections?

21 MS. RUBALCAVA: Are you talking about the
22 appeal procedures, Mr. Mohajer, or are you talking
23 about the ADC?

24 MR. MOHAJER: I'm just talking in general,
25 the same response that you had to Ms. Clark that you

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1 have to look at the whole picture.
 2 MS. RUBALCAVA: I think we have to look at
 3 all of the requirements that apply.
 4 MR. MOHAJER: So you feel comfortable that
 5 we also have to look at the whole picture as the
 6 decision we have to make over here for the use of
 7 C & D as alternative daily cover?
 8 MS. RUBALCAVA: What picture do you think
 9 we're not looking at right now?
 10 MR. MOHAJER: I don't know. That's we are
 11 going to, we are going to be asking questions and
 12 more, but I'm just going -- I want to look at the
 13 whole picture.
 14 MS. CLARK: Go ahead.
 15 MR. MOHAJER: Okay. I'm going to go back
 16 to Mr. Pfaeffle, the LEA.
 17 MR. PFAEFFLE: Okay. Thank you.
 18 In sum, I still think that I want the board
 19 to consider what the legislature has said. I mean,
 20 I understand that it's very appealing to say the
 21 date the final approval was made, that's the date
 22 we're looking at, but that's not what the language
 23 of the statute says. I want the board to consider
 24 that.
 25 And in the interest of time, before we go

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1 percent. I think we shouldn't be here.
 2 MR. MOHAJER: But as far as a decision,
 3 what this board is going to make the decision is we
 4 are going to consider everybody's comments, what has
 5 been submitted, what is in writing and we're going
 6 to render a decision. And the decision may be,
 7 well, we shouldn't -- the meeting should not have
 8 been called for. I don't know. But that's
 9 something that is not the time to consider right
 10 now, but certainly for the record one of you -- your
 11 requests is that this body consider that the hearing
 12 should not have been called for and end it at that
 13 level. That would be fine. That would be one of
 14 the alternatives that you are asking us to consider.
 15 MS. CLARK: I would like some
 16 clarification.
 17 In other words, when the coalition found
 18 out they were using C & D, that's when they should
 19 have appealed, the word appeal, to you or to DOHS or
 20 to --
 21 MR. PFAEFFLE: To this board. And it
 22 was -- it was before the final approval was issued.
 23 MS. CLARK: "This board" meaning us?
 24 MR. PFAEFFLE: Yes. Yes.
 25 Before the final approval -- I'm just

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1 into exactly what the LEA did, and we're prepared to
 2 do that, and to have the inspector and the
 3 decision-makers tell you how they arrived at the
 4 decision, I mean, I want to focus on the ball.
 5 I mean, the question is: Did the LEA do
 6 something improper here that needs to be subject to
 7 reversion by this board?
 8 And I'm wondering at this point if there
 9 are -- if in your minds there is a question as to
 10 whether the LEA did act improperly. Did the LEA do
 11 something wrong here that is subject to revision?
 12 Is there even a need for me to go into everything
 13 that was done at this point?
 14 MR. MOHAJER: Well, I cannot answer that.
 15 The LEA has made a decision. It has called for the
 16 hearing. So that was something that LEA should have
 17 made a decision prior to coming asking for this
 18 hearing.
 19 MR. PFAEFFLE: No. The LEA did not ask for
 20 the hearing.
 21 MR. MOHAJER: But the LEA decided to call
 22 and make the arrangement for this hearing. That's
 23 why we are over here, Mr. Pfaeffle. Otherwise we
 24 would not be here.
 25 MR. PFAEFFLE: I agree with you 100

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1 reading the language of the statute.
 2 MS. CLARK: Okay. I know. I know. I'm
 3 not killing the messenger here. It just sounds
 4 strange.
 5 MR. PFAEFFLE: I understand. But I'm
 6 reading to you the language in the statute.
 7 And it says -- it doesn't say you have 30
 8 days from the date of the final approval of
 9 decision. It says clearly when the person
 10 discovered or reasonably should have discovered the
 11 facts, that's when they should start acting.
 12 MS. CLARK: But they've acted.
 13 What do you mean by acted?
 14 MR. PFAEFFLE: That's when they need to
 15 appeal. And they were specifically told on the 14th
 16 that they needed to appeal that decision formally.
 17 And they asked for the procedures. And the next,
 18 very next day they were provided those procedures.
 19 And in that e-mail where they were provided the
 20 procedures it was very clearly stated that 44310
 21 applies, which has the 30 days and has this language
 22 that I'm reading to you in the e-mail that shows
 23 what they knew. Because this is what they were
 24 provided and it's in the evidence.
 25 MS. CLARK: So that's July 14th was the

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1 e-mail. And then they should have appealed before
2 August 15th or 14th?
3 MR. PFAEFFLE: They should have appealed
4 immediately. Immediately.
5 MS. CLARK: Within 30 days?
6 MR. PFAEFFLE: Within 30 days.
7 MS. CLARK: So they're, basically, five
8 days off?
9 MR. PFAEFFLE: Whatever the legislature
10 says. For whatever reason, they felt 30 days was
11 appropriate and they missed the 30 days.
12 MR. HUNTER: Well, my question would be
13 what was I going to appeal? There had been no
14 decision. They made an application and they were
15 going forward with the thing. Who am I going to
16 appeal? Why would I appeal to this board? You
17 hadn't even done anything. Neither had they. What
18 action am I going to appeal? They made an
19 application. They're supposed to --
20 You see, the key to this thing is there
21 really should be a review based on those sections
22 and titles and things that we're all talking about.
23 There's supposed to be a process that really
24 requires the LEA to look at this information, not
25 just to allow them to cherry pick and use and that

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1 the way the regs define the material and in my
2 researching of its approval that my decision and my
3 judgment was inappropriate. It is possible that
4 there was maybe a procedure that was incorrectly
5 followed. However, the use of the material by the
6 operator, the processing of that material, based on
7 my review and research was all in accordance as
8 indicated in state regulation.
9 MR. PFAEFFLE: So just to bypass the -- in
10 order to be specific, the question is: What
11 regulation did you apply in making your decision?
12 MR. VILLALOBOS: I applied the regulation
13 of 20690, Section 9 A through C.
14 MR. PFAEFFLE: So you're looking at Title
15 27, Section --
16 MR. VILLALOBOS: 20690.
17 MR. PFAEFFLE: -- 20690 and subsection
18 little B and then 9 A, B and C?
19 MR. VILLALOBOS: Correct.
20 MR. PFAEFFLE: And those are on the exhibit
21 for the board's use.
22 MS. TAYLOR: LEA Exhibit 1.
23 MR. PFAEFFLE: LEA Exhibit 1. Exhibit
24 No. 7, tab Exhibit 7.
25 MR. MOHAJER: Tab 7.

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1 was what our position was. And that is what they
2 didn't do.
3 MR. MOHAJER: Mr. Hunter, I'm sorry for
4 interruption, but we already heard Mr. Pfaeffle and
5 your argument and we are going to be considering
6 those. So let's move on to the next.
7 MR. PFAEFFLE: I would like to ask. We
8 have Gerry Villalobos here, who is a representative
9 of the LEA, and I would like to have him explain to
10 this board what the LEA did with respect to this
11 decision and how -- and I will tell you the
12 conclusion in my mind is the LEA did, in fact, act
13 properly and follow the requirement of Title 27,
14 Section 20690, and I would like Mr. Villalobos to
15 explain to this board how that was done with their
16 permission.
17 Gerry.
18 MR. VILLALOBOS: First of all, as the site
19 inspector for Sunshine Canyon Landfill -- Gerry
20 Villalobos. Sorry. -- the site inspector assigned
21 to Sunshine Canyon Landfill, as an inspector
22 assigned to that facility by the county of
23 Los Angeles, it is my job to protect the public and
24 the environment. My decision was based on that.
25 I did not see that the use of the material

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1 MR. PFAEFFLE: Page 639.
2 Did you follow the procedures for approval?
3 Did you treat BFI any differently than you
4 would do any other permittee in applying this
5 section?
6 MR. VILLALOBOS: No.
7 MS. CLARK: What was that question again?
8 I'm sorry.
9 MR. PFAEFFLE: I asked Mr. Villalobos if he
10 applied the regulation evenhandedly. That is, did
11 he treat BFI any differently than he would any other
12 permittee when he applies the regulations under
13 Title 27, and his answer was no.
14 MS. CLARK: Oh.
15 MR. PFAEFFLE: So in your opinion, the
16 decision of the LEA was correct to approve
17 alternative daily cover for this use?
18 MR. VILLALOBOS: That's correct.
19 MR. PFAEFFLE: Okay.
20 MR. VILLALOBOS: Also -- Gerry Villalobos
21 with the LEA again.
22 Of course, prior to approving an amendment
23 to an RDSI, we are required to review Section 21665
24 of Title 27 which is a processing report of facility
25 information amendments, and that is a new section as

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25

1 indicated in this sheet that I have here.
 2 MR. MOHAJER: Is that something that --
 3 MR. BITTENS: We don't have that, I don't
 4 think.
 5 MR. VILLALOBOS: That one is not part of
 6 the record.
 7 MR. MOHAJER: So that will be Exhibit --
 8 MR. VILLALOBOS: 21665.
 9 MS. ZILIAK: 21665.
 10 No. He said we don't have it. That's the
 11 process they go through to decide.
 12 MR. PFAEFFLE: Mr. Chairman, would you like
 13 us to make copies?
 14 MR. MOHAJER: Yes.
 15 MR. PFAEFFLE: Should we make copies for
 16 everyone's use?
 17 MR. MOHAJER: I don't see a reason. You
 18 can give it after the meeting to everyone. But I
 19 just want to make that one as --
 20 MS. CLARK: I want it now.
 21 MR. MOHAJER: Well, Ms. Clark wants it now.
 22 So that's going to become Exhibit No. --
 23 MS. TAYLOR: LEA No. 2.
 24 MR. MOHAJER: LEA No. 2.
 25 MS. CHANG: Mr. Hunter, I wanted to ask

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1 bring it next time, we'll enter it into the record
 2 then.
 3 MR. HUNTER: Okay. I'll bring something.
 4 MR. MOHAJER: Please note that we are still
 5 on the record and --
 6 MS. CLARK: I have a question of
 7 Mr. Hunter.
 8 Had there been any studies done of the
 9 reservoir of rim aerial deposition of anything might
 10 be asbestos that you're referring to?
 11 MR. HUNTER: Not that I'm aware of.
 12 MS. ZILIAK: But you should know that that
 13 water is already filtered and it sits there and it's
 14 only disinfected again before it leaves there. It's
 15 not -- it doesn't go right back through the
 16 filtration process.
 17 MR. HUNTER: When you turn on your faucet
 18 in the morning, what you're getting is what you see
 19 there.
 20 MS. ZILIAK: They're planning on covering
 21 it, but that won't be for some time now.
 22 MR. MOHAJER: Did the LEA ask for a break?
 23 Because they just went to make one copy. I see
 24 everybody has left the room, so --
 25 MS. ZILIAK: It was a group copying.

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1 you, are you going to leave this aerial photograph?
 2 MR. HUNTER: No.
 3 MS. ZILIAK: No. We need that.
 4 MS. CHANG: Did you want to mark it as an
 5 exhibit? I guess we won't necessarily have it in
 6 front of us for future reference.
 7 MS. ZILIAK: We can send them another
 8 picture.
 9 MR. HUNTER: Yeah. I could --
 10 MS. ZILIAK: We have other pictures that we
 11 can send.
 12 MS. EDWARDS: Send a smaller picture.
 13 MR. HUNTER: Yeah. I'm trying to think of
 14 how I can handle it, if I can get it copied and
 15 supply it.
 16 MS. CHANG: It's likely that we're going to
 17 have to continue this hearing and have another
 18 session at some future point, so if you want to
 19 bring a smaller.
 20 MR. HUNTER: I can actually -- the area of
 21 interest could actually be -- could be copied and
 22 supplied. I don't need the entire thing. Because I
 23 was pointing to the area strictly in the area of the
 24 landfill, basically, making my point.
 25 MS. CHANG: If you wanted to do that and

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1 MS. CLARK: I wouldn't have asked if I knew
 2 that was going to happen.
 3 MS. CHANG: Should we take a two-minute
 4 break?
 5 MS. CLARK: No. We'll never get back.
 6 MR. MOHAJER: Mrs. Clark has to leave. She
 7 has another appointment.
 8 For the record, the LEA personnel, they all
 9 knew that we were still on the record when you guys
 10 left the room?
 11 MS. CHANG: We didn't talk about anything
 12 substantive, but Mrs. Clark does have a question
 13 that's on the table right now.
 14 MR. PFAEFFLE: Did you say bad things about
 15 me on the record?
 16 MS. CHANG: We tried to hold back.
 17 MS. CLARK: I asked the question of whether
 18 there were any studies done of any aerial deposition
 19 in the L.A. reservoir of these asbestos finds or
 20 whatever. And the answer was to their knowledge
 21 there hadn't been studies.
 22 MR. PFAEFFLE: Ms. Clark, I do want to
 23 address the health and safety concerns. And we will
 24 get to that. Mr. Murray is here for that. So don't
 25 think that we're not going to address them. We're

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1 not done.

2 MR. MOHAJER: So you would know, Ms. Clark

3 has another meeting at 2:00, so I really --

4 MS. CLARK: I have to leave at 1:30 at

5 least.

6 MR. MOHAJER: So we want to make sure that

7 Ms. Clark gets the opportunity to ask all of her

8 questions and know as much information as she can

9 gather before her departure at 1:30.

10 Go ahead.

11 MR. PFAEFFLE: Do we resume?

12 MR. MOHAJER: Yes.

13 MR. PFAEFFLE: Mr. Villalobos, you were

14 talking about Section 21665 of Title 27.

15 MR. VILLALOBOS: Correct.

16 There are three steps to the approval of an

17 RDSI amendment. And obviously, if the proposed

18 change is consistent with all applicable and

19 certified and/or adopted CEQA documents or has been

20 determined by the LEA that the change would not

21 create any adverse environmental impacts and is

22 exempt from the requirements of CEQA.

23 That review was done. And to our review of

24 it, there was not any conflict there.

25 Do we deem the proposed change item number

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1 two -- and I'm sorry, I'm reading from 21665 AC 2.

2 If I deem the proposed change acceptable

3 and consistent with, but not limited to, the

4 statement of standards pursuant to chapter three of

5 this subdivision or applicable minimum standards in

6 title 14 and including financial assurances in

7 operating liability criteria pursuant to chapter six

8 of this subdivision, if applicable, which the

9 facility and the amendment I felt in my review did

10 fulfill and satisfy.

11 And item number three, the change did not

12 conflict with the terms and the conditions in the

13 current Solid Waste Facilities permit.

14 So based on these three steps, my decision

15 to approve the use of ADC or the C & D for cover was

16 made.

17 MR. PFAEFFLE: Mr. Villalobos, did the

18 LEA -- and this is a question for the LEA in

19 general, not necessarily for you -- take into

20 account the health and safety effects of this

21 decision when making the decision?

22 MR. VILLALOBOS: Yes, we did.

23 MR. PFAEFFLE: And who is prepared to

24 address that issue?

25 MR. VILLALOBOS: Ken Murray will.

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1 MR. MURRAY: Ken Murray with the LEA.

2 When I reviewed the decision that

3 Mr. Villalobos made -- I'll just take you through

4 the process. There were three things that I

5 considered for protection of public health and

6 safety.

7 The first is point of origin of this

8 construction demolition material. Before you can

9 demolish a building, you have to have a permit.

10 Part of that permitting process is you have to have

11 an asbestos inspection. A certified asbestos

12 contractor comes in and inspects the building and

13 they do take physical samples of any suspected

14 materials, send it to a lab where it's looked at

15 under a microscope and determine whether or not

16 there's asbestos in there. I think that's important

17 for the board to consider. At the point of origin

18 most of the asbestos is removed before any

19 demolition occurs, then the building is demolished.

20 The second thing I look at was if something

21 were to pass through that process and get to the

22 processing facility, I ask Mr. Villalobos, do they

23 have a program in place to pull out any suspected

24 material and do they have training? And I wanted a

25 log. I wanted to know that they were current. And

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1 he provided me with those materials. They do have

2 training. They implement the program on a daily

3 basis.

4 The third thing I look at is if it gets

5 past those first two processes and does get to the

6 landfill, I can -- I agree with the North Valley

7 Coalition that it's a very windy area and I want to

8 know how effective is their dust suppression program

9 there if something were to get through those first

10 two processes and be deposited at the landfill?

11 Mr. Villalobos gave me a copy of that and we

12 reviewed previous inspection reports to see if the

13 dust suppression program was effective, if it had

14 been noted as a violation, if it was a consistent

15 problem or was it consistent compliance. And I

16 determined that it was pretty consistent compliance.

17 So at those three levels of inspection

18 programs and things that are going to prohibit the

19 asbestos from getting to the landfill in the first

20 place combined with dust suppression at the

21 landfill, I felt that there was a process in place

22 that would protect the public health and safety.

23 MR. MOHAJER: Ms. Clark.

24 MS. CLARK: Yes.

25 You said that you asked them if they had

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1 logs, kept logs of it. And did -- do you have
2 written -- do they keep a log of this material
3 that's taken out?

4 MR. MURRAY: I was asking for training logs
5 to see if they were trained. And routinely I ask
6 for training logs and I also ask for the inspection,
7 the inspection log, like what you're saying there.
8 I didn't get copies of those. No.

9 MS. CLARK: What if material does get in
10 there by mistake to the -- what's the name of the
11 processor?

12 MR. PFAEFFLE: Falcon.

13 MS. CLARK: Falcon. Okay.

14 Would they have logs of how much of that
15 kind of material they rejected from their site and
16 had to send it over to a hazardous waste?

17 MR. VILLALOBOS: I've been to the facility.
18 I've seen their procedure, their method of when the
19 material comes in, how it's processed through the
20 waste stream, how it's sorted out and the end
21 product of the material.

22 In reviewing their RFR, the report of
23 facility information, RDSI as it's called now, I
24 know these are a lot of acronyms, they're required
25 to do so many load checks per day. But in reality,

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1 bit. If they haven't pulled any out, that assumes
2 that everything is clean loads coming in. And I
3 find it hard to believe that the public keeps things
4 separated and -- I mean, help me if I'm wrong.

5 Is there another way that this is getting
6 separated out? Because I've seen people to put
7 things out in their trash cans or out on the curb
8 and it just gets taken away. What happens to that
9 if it's --

10 Or my other question is if a person -- I
11 mean, I'm on the city council and we try to enforce
12 the codes, but I know there are people that are
13 doing illegal operations over the weekends. They're
14 tearing down a room and they're putting up a new
15 room. And we only find it if somebody reports it, a
16 neighbor or whatever. And if they take that load to
17 the landfill, what happens to it there? And what if
18 some of it -- I mean a spotter, that's a little
19 disturbing to me that there's just a spotter. That
20 if he sees the piece of roof, the ceiling tiles or
21 the floor tiles or whatever, he sees these things,
22 if that's at the bottom of the load, how is he going
23 to see it and what happens to it?

24 MR. PFAEFFLE: Can I address that?

25 MS. CLARK: Sure.

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1 every single load that was coming in was being
2 visually inspected by a spotter who is assigned to
3 view the load, check it as it comes in.

4 If based on their training they determine
5 that that is a suspect load and it contains
6 asbestos, the operator indicates to me that the
7 entire load is cordoned off. It's not just pulled
8 from the load, but the entire load itself is put
9 aside and is treated as an asbestos-contaminated
10 load and dealt with accordingly. It does not go
11 through for processing which later would -- once
12 it's sorted and screened gets --

13 MS. CLARK: Wouldn't they keep a log of
14 what they sent over to the hazardous waste landfill
15 or wherever it goes from there if it wasn't --

16 MR. VILLALOBOS: They're required to keep
17 logs, sure, of any special occurrences, of any
18 hazardous waste loads of materials that are pulled
19 from the waste stream or from their feeding stock,
20 as they call it.

21 MS. CLARK: Have you seen any of those?

22 MR. VILLALOBOS: I reviewed their logs when
23 I was at the site and there was nothing to indicate
24 that they had asbestos that was visibly identified.

25 MS. CLARK: Well, that disturbs me a little

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1 MR. PFAEFFLE: Earlier Ms. Rubalcava
2 mentioned that, in fact, that the State has looked
3 at this procedure approving alternative daily cover
4 of this type. It's in the regulations. And they,
5 in fact, made that decision at the State level.

6 I don't think it's fair to ask the
7 inspector. He doesn't have that sort of expertise.
8 That decision was made. There was public
9 review. In fact, I would like to add as an exhibit.
10 I'm not sure which next in order it is.

11 MS. TAYLOR: LEA No. 3.

12 MR. PFAEFFLE: There is an initial study in
13 negative declaration, the paperwork -- I want to put
14 it on the record -- was conducted for public review
15 and comment on that decision.

16 MS. CLARK: Well, that's -- I'm not blaming
17 anybody or even citing these people specifically.
18 I'm just asking a question.

19 What are the safeguards in those
20 regulations that keep that from happening?

21 And I don't take much comfort from
22 Sacramento regulations or regulators. I've been in
23 this business too long. So that doesn't give me any
24 comfort at all.

25 But I just wanted to know if your being in

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1 the business, if you know. What happens to the --
2 the phantom loads or the illegal non-contractor
3 that's tearing down a room and tearing out the
4 ceiling and the floor and just throwing it in his
5 black trash can?

6 MR. VILLALOBOS: If you're asking me
7 personally if I think that materials that shouldn't
8 be going into class three solid waste landfills are
9 throughout the state of California, I would have to
10 say that they are. I think it's impossible to keep
11 it all out.

12 The systems, as was discussed earlier, are
13 in place for the purpose of preventing as much,
14 if -- obviously, the goal is 100 percent of that
15 material to be prohibited from going in these types
16 of facilities and that's the best that we have and
17 we -- that we rely on to make the decisions that I
18 have made for the purpose of why we are here today.

19 MS. CLARK: Okay. I'm done.

20 MR. MOHAJER: Thank you.

21 MS. CLARK: Thank you.

22 MR. MOHAJER: If it's only a short one,
23 Mr. Hunter. Short one.

24 MR. HUNTER: I just want to know. Could
25 you verify when you were there that all of those

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1 and things like that, that occur and they don't and
2 they're not required and they don't have them.

3 And if this material is coming in and the
4 source is constantly changing, it doesn't always
5 come from the same place. My point would be unless
6 there's accompanying paperwork with that dumpster
7 saying that this material has indeed come from
8 something, you absolutely have no way of knowing
9 what is coming in there, regardless of what the
10 rules and regulations may be.

11 And I don't believe that, as I said in the
12 remodeling business, the general contractors ever go
13 and -- it's too expensive to do, for one thing, plus
14 they would never recognize the material. They
15 wouldn't have like an asbestos abatement even before
16 those materials were put in a dumpster and then sent
17 off for, quote, recycling or landfill.

18 MR. MOHAJER: Okay, Mr. Hunter.

19 MR. PFAEFFLE: Can I give my summation
20 then?

21 Okay. The LEA is not here to take one side
22 or the other. The LEA takes a large view. They
23 protect health and safety and they make a reasonable
24 decision based on the information that they have.
25 The system is not set up to be perfect. It's

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1 loads -- I'm looking at the refuse center and
2 it's -- it says all kinds of things. It's a
3 drop-off only. Could you determine that every load
4 had actually -- was only -- was a full demolition
5 and actually had gone through that process of having
6 asbestos -- were there any paperwork accompanying
7 each and every one of those dumpsters that came in
8 or those roll-offs that the material was being
9 delivered in?

10 In other words, was there any accompanying
11 paperwork that indicated to the processor that this
12 indeed had gone through full demolition and had gone
13 through the right paperwork?

14 MR. VILLALOBOS: That's not something that
15 I looked at. I looked at their procedures, which
16 they have in place in their site information for
17 hazardous materials screening, and the training that
18 was provided to me, which is given to the facility
19 personnel for the purpose of identifying loads that
20 are suspect and have potentially, they have the
21 potential for containing asbestos-laden materials.

22 MR. HUNTER: Because as much is being made
23 to the fact that you need these permits and they've
24 got to go through asbestos, if they're going to do a
25 full demolition. But there's many things, remodels

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1 impossible.

2 Regulation in this state is probably more
3 than other states, but it is what it is and we live
4 here and we want to keep our environment and we want
5 to protect these good folks as best we can and
6 within reason allow for the other needs of society,
7 including the need for landfill. And so I submit to
8 this panel that that's exactly what my client, the
9 LEA, did in making this decision and I think it
10 should be upheld.

11 MR. MOHAJER: Thank you.

12 Any other comments from the LEA?

13 Nothing. Okay.

14 What I would like to do is probably go
15 around over here, some questions that we have and
16 then we can go with it back to the rebuttal that has
17 already been going on.

18 So having said that, Mr. Bittenson, it's
19 all in your court.

20 MR. BITTENSON: It's all in my court.

21 I think the definition of the issue before
22 us is the request of the North Valley Coalition to
23 reverse the decision for the acceptance of the
24 construction C & D. I think we discussed that
25 before and I believe they concur with that's their

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1 direction.

2 The LEA's position, if I'm -- if I can
3 clearly define it, is that they have followed the
4 procedures, are adhering to the existing regulations
5 and have met those requirements.

6 Am I correct?

7 All right. I think that's the issue that's
8 before us and that we have to sit down and discuss
9 and come to a conclusion on.

10 MR. MOHAJER: That's all?

11 MR. BITTENSON: That's all.

12 MR. MOHAJER: Okay.

13 MR. BITTENSON: It's very simple.

14 MR. MOHAJER: All right. I have some
15 questions. And there are a number of questions and
16 some of them may not be -- we may not be able to
17 respond with today.

18 I definitely would like to have a clear
19 definition of what we mean by process C & D waste
20 and C & D tailing waste. This verbiage is being
21 used throughout all of the documents that was
22 provided over here. And if we are using the
23 definition of the C & D as provided in the State
24 regs, then why all this, from my standpoint, common
25 person flip-flopping? Because it's created -- at

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1 agreement very specifically requires that an
2 accounting of recyclable green waste and the filing
3 of documents necessary for the acquisition of waste
4 diversion credit for the county, and so on.

5 Now, I'm referring to this document because
6 the Solid Waste Facility permit that was issued very
7 specifically refers to the CUP that was considered
8 by the LEA to issue solvent-specific permits. CUP
9 was one of the documents. So I'm going on the basis
10 that what both the operator has to comply. Very
11 clear their record of the material being used for
12 recycling, including green waste. And unless it's
13 proven otherwise, this is a little double-sided page
14 that I have that was not substantiate that.

15 Then my next question was over here. Just
16 for my own information, if we are allowing the -- if
17 C & D is already allowed as the use of C & D is
18 allowed as an ADC, why does the RDSI needs to be
19 revised?

20 MR. VILLALOBOS: C & D is prior to the
21 approval of the C & D tailings as ADC was not
22 specified in Sunshine Canyon's RDSI.

23 MR. MOHAJER: Okay.

24 MR. VILLALOBOS: And identified synthetic
25 blankets and processed green material only.

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1 least creates confusion in my mind.

2 I already mentioned the Title 27 in your
3 letter that it be PRC.

4 I have got to refer to some of my notes
5 over here.

6 As a part of the requirement for the
7 conditional use permit that was issued to BFI there
8 is also a waste plan conformance agreement which was
9 one of the exhibits. I don't know which exhibit
10 number it was. This was the -- I'm going to read
11 it. That makes it easier.

12 This is condition two of that Waste Plan
13 Conformance Agreement that very specifically says
14 reduced volume of daily cover. And that means to
15 reduce less soil and more alternative materials such
16 as C & D, green waste and so on.

17 And very specifically, that C triple I says
18 BFI shall pursue the use of alternative landfill
19 covers other than green waste as permitted by the
20 appropriate regulatory agencies, including but not
21 limited to wood waste and synthetic cover materials.

22 Of the materials that have been provided to
23 us this indicates that BFI is trying to pursue that
24 according to this waste plan conformance agreement.

25 The Exhibit B of the waste conformance

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1 MR. MOHAJER: Okay. So as it stands prior
2 to being, BFI being cited by the State board in
3 April of 2005, because that's when the State cited
4 BFI for failure to --

5 MR. VILLALOBOS: Identify the material in
6 the RDSI.

7 MR. MOHAJER: Right.

8 Pursuant to Section of the Title 27, 21640
9 and 21600. Okay.

10 So that's the reason to you -- so BFI and
11 LEA trying to resolve a violation of existing solid
12 waste without a permit?

13 MR. VILLALOBOS: That is correct.

14 MR. MOHAJER: All right. BFI letter of
15 9-19-2005. In reference to dust abatement program
16 the information from RDSI pages 29, 30 and 31 are
17 not relevant to the issue in hand. That's my notes.
18 So I was very specifically looking to see if they
19 addressed the management of the use of C & D as an
20 ADC and I did not find any reference whatsoever. So
21 you are welcome to provide a response at least to my
22 concern. And I would like to have it in writing,
23 because it's going to come up as a part of the
24 record. I did not see it in the document.

25 And I document that I very specifically

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<p>1 looked at the RDSI, the existing RDSI pages 29 2 through 31. No reference to the use of C & D as 3 alternative daily and it's not mentioned in the 4 proposed revision either.</p> <p>5 Also, the next question I had, the 6 hazardous waste exclusion program for the Falcon 7 transferring station.</p> <p>8 Now, Falcon Transfer Station, it's a solid 9 waste transfer station in Bloomington area with 10 1,800 tons per day capacity which is owned by BFI.</p> <p>11 The question that I have, the way the RDSI 12 proposed revision reads and the materials that is 13 submitted by BFI is BFI requesting that only C & D 14 materials that comes from the Falcon Transfer 15 Station to be used as alternative daily cover?</p> <p>16 I -- the way I read the records, you were 17 not asking that. You were going to be accepting 18 C & D at this place somebody submitted as a use of 19 daily cover, so when I hear from the LEA that they 20 said that you inspected the Falcon daily transfer 21 station and made those decisions of what I'm being 22 indicated, well, but this is something, as I said, 23 at least my concern that I need to have a response 24 to it later on.</p> <p>25 So your proposal is to accept C & D from</p> <p style="text-align: right;">118</p>	<p>1 us know and LEA failed to do that, so -- which that 2 to me, it's really not acceptable.</p> <p>3 And you are a permitted facility. You have 4 to comply with the laws and regulations. You were 5 required to submit that, whether or not the LEA 6 asked you to do it or not. That is part of your 7 permit. So that was sort of a -- bothered me.</p> <p>8 And specifically, if you're looking for 9 that language where the -- Ms. Hamilton is 10 submitted, if you go on page two, the first part of 11 review of the permit, that's when she speaks. This 12 is tab six of the document. And it said that 13 they -- the five years review was due November 9th, 14 2004. And the date of the letter is August 5th.</p> <p>15 And so that is -- so I'm -- at least from 16 my standpoint, I -- everybody has to -- I mean, we 17 have to make sure we comply with the regulations and 18 they -- there are not enough inspectors to send 19 around. It's a matter that when you get a permit, 20 you're given a direction, you'll have to comply. 21 Period. And that was not done, according to their 22 letter from the Waste Board.</p> <p>23 And they have -- so that was a citation in 24 reference to the 272164.</p> <p>25 And then you also were cited in reference</p> <p style="text-align: right;">120</p>
<p>1 anywhere for use of ADC?</p> <p>2 MR. KIESLER: From permitted facilities.</p> <p>3 MR. MOHAJER: Solid Waste Facility, 4 permitted Solid Waste Facilities.</p> <p>5 MR. KIESLER: Correct.</p> <p>6 MR. MOHAJER: So any accepting C & D from 7 any solid waste -- any facility that has -- is 8 operating under that Solid Waste Facility permit.</p> <p>9 MR. KIESLER: Correct.</p> <p>10 MR. MOHAJER: All right. And so my next 11 question I was going to ask, did you -- so my 12 question was -- it's not applicable anymore because 13 you can't -- there's no limit of how much material 14 you can bring in from Falcon.</p> <p>15 Then moving on to the letter of -- the 16 letter of April 28th, '05, from the Waste Board. 17 One of the items that I read in there, it says that 18 the facility operator is required to review their 19 Solid Waste Facility permit once every five years.</p> <p>20 This is specifically when I was asking, 21 looking at the overall picture and not specifically 22 one section of the regulation.</p> <p>23 Now, BFI was supposed to ask to submit the 24 five years review and the comment that was made by 25 the operator was that, well, LEA was supposed to let</p> <p style="text-align: right;">119</p>	<p>1 to section titled 2721600, which was very 2 specifically indicated that you need to revise your 3 RDSI.</p> <p>4 And then I have also in that inspection 5 report of April 2005 the Waste Board has raised a 6 couple of areas of concern and one of them was that 7 litter control. And they said that's pursuant to 8 Section 21830.</p> <p>9 I mean, all we have a very restrict letter 10 control is a part of CUP. They can't put a record. 11 But as I said, I haven't been involved.</p> <p>12 So they have cited litter control as one of 13 the problem area. And they have also cited the 14 grading of fuel services pursuant to 20650, which I 15 think that was one of the issues of vegetation that 16 was raised by the coalition this morning.</p> <p>17 Then I looked at the LEA inspection report 18 of August 31st, 2005. If I could find it. And this 19 is the last page reading the tab number six. And 20 again, this is August 31st, 2005, which is a few 21 days after the LEA approved the use of a C & D.</p> <p>22 And on August 30, 2005, which is 18 days 23 after the use of C & D was approved, it says several 24 piles of construction demolition fines use as ADC 25 was observed to be contaminated with litter. The</p> <p style="text-align: right;">121</p>

1 operator was advised subsequently to do blank,
2 blank, blank. So that's one item.
3 And the paragraph, the statement above
4 that, it says advise operator that construction and
5 demolition waste when used as alternative daily
6 cover shall be restricted to the minimum compacted
7 thickness of six inches.

8 And so that was a concern that was listed
9 in the LEA letter, I'm assuming, otherwise you would
10 not have indicated that.

11 MR. VILLALOBOS: I put that in as a
12 reinforcement to the operator so that there's no --
13 nothing -- there's no misunderstanding as to the use
14 of the material and the fact that it needs to be
15 applied as per the conditions in Title 27 as per the
16 application.

17 MR. MOHAJER: But the expectation that they
18 must know and comply, because that's what their
19 permit is.

20 MR. VILLALOBOS: That's correct.

21 MR. MOHAJER: Okay. All right. Then I go,
22 my next question is I go to the Solid Waste Facility
23 permit. And I -- let's see. Solid Waste Facility
24 permit. This permit was first issued on
25 November 17, 1994, and it was reviewed again on

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1 Force dated August 1991 which very specifically
2 called again for submittal of data which of what I'm
3 seeing over here you are not -- it does not appear
4 that BFI is consistent with that.

5 Then Waste Plan Conformance Agreement,
6 which I had made some reference with. And these
7 were all conditions upon which the Solid Waste
8 Facility permit was issued.

9 So I would assume, at least from our
10 counsel, that these are the documents that the
11 permittee has to make sure that in compliance at all
12 times and were used as a basis for granting the
13 Solid Waste Facility permit.

14 Upon the condition three on page ten of
15 this permit says the operator shall notify the local
16 enforcement agency of any proposed changes in the
17 facility operation or design.

18 Remember, specifically, the change in the
19 using the C & D as an ADC is a change. Is a change.
20 Very clearly is a change.

21 It says the operator shall, underlined,
22 shall notify the local enforcement agency. And
23 apparently, based on the documents that we were
24 provided in the agenda package, until I found out
25 some other information this morning, the first time,

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1 November '99 or thereabouts and then it was supposed
2 to be reviewed on November of 2004.

3 By the way, what's the status of that?

4 MR. VILLALOBOS: We are currently in the
5 review process of the permit.

6 MR. MOHAJER: So they have submitted?

7 MR. VILLALOBOS: Yes.

8 MR. MOHAJER: Okay. Now, I'm looking at
9 the findings under this Solid Waste Facility permit
10 starting with the page six. You will not have it
11 there.

12 MS. CLARK: Okay.

13 MR. MOHAJER: It says that the following
14 documents condition the design and/or operation of
15 the facility. Report of disposal site information
16 RDSI dated August 16, 1991. Addendum one to the
17 RDSI dated November 9, 1991.

18 And then I have since found out some
19 additional amendment to the RDSI because some of the
20 pages have different dates. Some of them '99, some
21 of them are 2000, so they're all over the place.

22 Then the EIR that was certified in
23 November 30, 1993, approximately 12 years ago. Then
24 the finding of conformance by the L.A. county Solid
25 Waste Committee, Integrated Waste Management Task

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1 at least the records is the April 5th of -- April of
2 2005 that I read that they were using C & D, even
3 though you did mention that it was mixed up between
4 C & D being called by Falcon and green waste by
5 inspector at BFI, the LEA inspector at BFI, but I
6 thought green waste is only green waste, period, no
7 mixing with anything else. Not I thought. As a
8 matter of fact, I'm sure that's all it is. You
9 cannot combine it.

10 So I'm basing all of my decision on this.
11 These are important of what I'm going to get at
12 later on. It has a very specifically requirement
13 the soil cover has to be compacted. It mentioned
14 again that operators shall collect data and report
15 on waste material received, disposed and/or recycled
16 diverted in a format which complies with the
17 condition number 12 of the finding of conformance.

18 So these were all the requirements of some
19 of the relevant information or requirement of the
20 solid waste permit. And I'm not going to go over
21 the task force that I had mentioned it several
22 times.

23 And then moving to the actual CUP. This is
24 I'm going to be raising the issue to the counsels.
25 I hope I can find it.

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1 On the CUP that is the facility is
2 currently operating under condition 10 G. It
3 says -- I'm going to read it. It says, net tonnage
4 shall not include clean dirt imported to the cover
5 materials. And so we're talking about that if a
6 facility is allowed to receive up to a maximum of
7 6,600 tons per day. So we are saying that if any
8 soil delivered to the facility, clean soil delivered
9 to the facility will not be counted as a 6,600 tons.
10 Waste process and put to a beneficial use. On the
11 landfill or separated or otherwise diverted from the
12 waste stream and exported from the landfill for the
13 purpose of recycling in accord with blank, blank,
14 blank.

15 So very specifically it says that if the --
16 could I borrow that, this page here? If the waste
17 materials that is being used for beneficial use as
18 specified in this page that you have from public
19 for example, it says -- it says asphalt, that
20 accepts in calendar year 2004 they received
21 tons. That will not count as a part of
22 tons. But it does not mention the C & D
23 ADC.

24 to condition 10 J. The last bullet
25 It says, utilize waste material

1 processed at the landfill such as
2 waste as a supplement to daily
3 final cover to the extent deemed
4 reasonable and acceptable by regulation
5 the paragraph above it says,
6 operate the landfill in a manner
7 include amount of waste which can be
8 the allowable approved volume,
9 But not, and then it talks about
10 of a C supplement to a daily cover.
11 from the condition 10 J and 10 G the use
12 disposal, the daily cover is excluded
13 So, as to the landfill as a

14 I have to all
15 planning come more question that
16 maximum allowing the regional
17 county landfill 20 tons, which is the
18 C & D for daily at the current -- the
19 a 6,600 tons per day they accept any
20 not clear. When it count as a part of
21 should be included, at least the CUP is
22 So moving on, & D used as ADC
23 the 6,600 tons.
24 the revised

1 RDSI that is currently under consideration, the
2 documents that was provided by the LEA to me and I
3 guess it was prepared by BFI on page 163 A indicates
4 that they could use -- they could use up to 3,100
5 tons of C & D as an ADC per day. They could, based
6 on their calculations. So this becomes very
7 critical issue.

8 If the 6,600 is going to include the C & D
9 as a daily cover, something that really I, at least
10 for my perspective, if I'm going to make a decision
11 on this case, I would like to know. Yes, it is.
12 No, it is not. And the reason for that is that when
13 the EIR was prepared for this facility at the time
14 which I was a part of, we had considered the
15 disposal a little bit over 17,000 tons a day. The
16 traffic study that was conducted back then was based
17 on the 1,700 tons per day.

18 MR. BITTENS: 17,000.

19 MR. MOHAJER: However, the situation was
20 changed.

21 And again, this is something that I can --
22 I don't know whether it is appropriate or not for me
23 to think that way, but going through the process of
24 the new CUP for the city county landfill, the
25 question was raised about the traffic study of that

1 for the original EIR and the decision was made that
2 it was inadequate. And they subsequently conducted
3 a new traffic study. Not a new EIR, a new traffic
4 study which supplemented the supplemental EIR that
5 the city of L.A. had prepared. This was what was
6 done by the county -- well, BFI did it at the
7 request of the L.A. county.

8 So this becomes more important that if use
9 of C & D as an ADC is not going to be counted toward
10 that 6,600 tons per day that you're already --
11 you're at 9,700 tons per day which, you know,
12 something at least in my mind doesn't jibe.

13 So this is a very critical issue for me
14 anyhow because I -- I -- I would like to look at a
15 little bit broader pictures as I make a decision.

16 I just hate to be only based my decision
17 only on one paragraph that the regulations.

18 And as I said, I have been involved with
19 the Sunshine for too long to -- looking at the
20 records, frankly, I -- you know, at this point the
21 little record that is provided over here, plus this
22 one page, I think you guys can do better.

23 Not that I'm trying to bat for anybody, but
24 it bothers me. Because data, provided data,
25 especially when we are under gun, at least I said

1 me, but it's jurisdictions are, a little bit more
2 attention has to be provided.

3 And then that you question, well, the
4 Falcon is going to do the inspection, load
5 inspection, then it becomes questionable. Then when
6 inspectors 18 days after you have been granted the
7 use of a C & D and says, well, it was contaminated,
8 it's a housekeeping issues. Really. It's a --
9 which really doesn't have anything with the issue on
10 hand, but it certainly raises a concern when other
11 people that come like coalitions that, well, we
12 raise the issue and nobody pays attention because
13 everybody goes and into the vacuum of, well, my
14 requirement is only this and we get in a piecemeal
15 approval.

16 And I -- I was -- for the record, I was
17 very extensively involved with writing the CUP and
18 extensively involved at least for the time before my
19 retirement that county city landfill put in
20 everything in the CUP so we will not get into the
21 issue of having a piecemeal and I like this facility
22 to operate the same way, with what the intent of the
23 original CUP was.

24 These are the combination of more of my
25 questions that I combined it. So now if you can

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1 answer some of those questions, with the exception
2 of the 6,600, that basically goes to the county.

3 MS. CHANG: Fred, can you confer with
4 regional planning's counsel on the 6,600 issue? Or
5 whoever -- I don't know who -- which party would be
6 more appropriate to figure that out.

7 MR. MOHAJER: The condition, the existing
8 condition 10 G very specifically mentions only green
9 waste is not going to be counted. And the clean
10 soil. I does not talk about anything else.

11 MR. PFAEFFLE: Right. I understand the
12 question.

13 MR. MOHAJER: And 10 J just talks about the
14 operation, but it doesn't break it down.

15 And I don't think that the issue was raised
16 before, probably because the way the reporting was
17 coming, that it was coming in as a green waste. And
18 the green waste was never a concern. Because that's
19 the CUP allowed that. As -- so you never raised the
20 issue.

21 The minute that the C & D comes, then you,
22 at last based on what I read, then you should have
23 asked to clarify it. So it was not clarified all of
24 this time because it's at least for 204 and 205 is
25 being identified as a green waste.

1 So, now, I talk a lot over here, so would
2 you like to at least mention if I have gone
3 completely, sort of -- excuse the --

4 MR. PFAEFFLE: Well, at the risk of you
5 being upset at me, I think it is beyond the scope of
6 the appeal, frankly. And I don't think that it
7 wasn't raised only because it doesn't show up in
8 that report, because that report I don't think was
9 in the hands of the coalition of the appellant, nor
10 did they think of it. But it's possible.

11 MR. MOHAJER: It's noted.

12 And we are not ultimately -- we can make a
13 decision and the next step is the Waste Board.

14 MR. PFAEFFLE: But I will address the issue
15 of the tonnage and I will get it to you, in spite of
16 my objection.

17 MR. MOHAJER: But for the record, also, if
18 the facility operator is not complying with the
19 regulation, why should it be out of our
20 jurisdiction? If the homeowners are appealing the
21 case and they are saying they are not complying, why
22 should it be out of -- I mean, I can't close my eyes
23 and say I just have to look at these two sentences
24 and say yes or no.

25 MR. PFAEFFLE: No. I think that, with all

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1 due respect, I think it is within the jurisdiction
2 of the LEA. I don't think it is within the
3 jurisdiction of this panel at this time.

4 MR. MOHAJER: Then I ask the LEA, well, why
5 hasn't it been enforced?

6 MR. PFAEFFLE: That's a fair question I
7 think for a different day.

8 MS. CLARK: I have a question on kind of a
9 technicality, since we're talking about the dates
10 and the allegation is that they didn't appeal in
11 time or whatever.

12 I was looking through here and I realize
13 these are just minutes from a community meeting, so
14 they may -- you know, I mean, I've written such
15 minutes myself. But it says that -- this is the
16 July 14th minutes of the coalition and it says,
17 "Gerry Villalobos stated that you would have to file
18 an appeal through the proper channels and he would
19 notify." No. That isn't what I was looking at.
20 Oh, yeah. "Gerry said that application had been
21 submitted. It had not yet been approved, but that
22 it was soon to be approved." And that was when
23 questioned if an application had been submitted to
24 the county for the uses of the C & D.

25 Okay. But in the packet here it has a

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1 letter July 19th, 2005, from Gerry saying that they
2 have to discontinue the use of C & D waste as an ADC
3 until the conditions of CCR Title 27 blah, blah,
4 blah, have been complied with.
5 So that's after the meeting that they had.
6 They still -- you were just notifying them that they
7 had to stop using it and then --
8 MR. PFAEFFLE: Well, in the July 14th
9 minutes, which are testified to be accurate, there
10 is --
11 MS. ZILIAK: That isn't what you said.
12 MS. CLARK: That isn't what he said.
13 MR. PFAEFFLE: Well, you can disagree with
14 me.
15 MR. HUNTER: I am. For the record.
16 MR. PFAEFFLE: A record is a record.
17 Then it's unequivocal that it will soon be
18 approved. They soon will be approved. And you do
19 need to appeal. I mean, I'm reading the language.
20 So --
21 MS. CLARK: And I understand.
22 I think, ultimately, whatever comes out of
23 this somebody needs to write legislation or whatever
24 to clarify that. Because an appeal to me is an
25 appeal of something that's been done.

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1 I mean, on the city council we have appeals
2 all the time from the planning commission or
3 whatever. That's an action that a body has taken
4 and you have a certain time to appeal it. But you
5 don't appeal something that hasn't been decided.
6 It's just, it doesn't make sense in the regulations.
7 But if that's what's in there and we have
8 to comply, then that may be another situation. You
9 know. We can't argue with what's in there, but I
10 still -- we're talking basically -- aren't we
11 talking a two-week failure or one-week?
12 MR. PFAEFFLE: It's a short failure and
13 it's a formalistic approach. Mind you, had I -- if
14 I had thought that the LEA hadn't complied and this
15 would and been unfair and unjust result, I would
16 consult with my client whether we should be making
17 the argument, but I have no qualms making the
18 argument in this case based on what I see.
19 MR. MOHAJER: Okay. Now Sharon, do you
20 have anything?
21 MS. RUBALCAVA: Well, obviously, a great
22 many things have been raised, you know, by you,
23 Mr. Mohajer. You are looking at many documents that
24 we're not looking at right now. And so without
25 those documents in front of me, I personally am not

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1 comfortable addressing those particular issues.
2 I will say that we believe we are fully
3 complying with the tonnage restrictions in the CUP.
4 To the extent we get into that reporting
5 issue, that's a little out of mine, my purview. I
6 don't -- I'm not involved with the permitting,
7 preparing those reports, so I really can't say
8 without looking at it what those particular issues
9 are.
10 We are happy to provide you with any
11 additional information you need, but it does seem to
12 be way over and above the appeal, which is -- was
13 the LEA's decision to approve C & D as alternative
14 daily cover. Did that conflict in any way with the
15 statutory and regulatory authority.
16 And there are two sections and
17 Mr. Villalobos discussed those two sections that
18 say, when you amend an RDSI, here are the three
19 findings you have to make. He's made those three
20 findings.
21 And part of that, one of the findings is
22 are you in compliance with the state minimum
23 standards. The state minimum standards for ADC are
24 spelled out in 27 20690. And he testified that he
25 had made those findings, that he had complied, that

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1 BFI had complied and their proposal complied with
2 those requirements. You know, it really is just
3 that simple here.
4 Now, these other issues that you've raised
5 are things that, you know, we can address, but they
6 really are outside the scope of the appeal.
7 MR. MOHAJER: Okay. Well, just for the
8 record, I would appreciate getting a written
9 response also from you in addition to the county.
10 I have looked at -- I run through the -- my
11 terminology that I followed. The Solid Waste
12 Facility permit is issued because of the CUP. What
13 role does the CUP plays in the Solid Waste Facility
14 permit? What role does EIR that was certified by
15 the county plays in the issue of what the action
16 that the LEA has taken?
17 In the letter that you are -- that the LEA
18 has approved -- and I would like to have this stuff
19 really, because this is part of the decision, I want
20 to have it in writing. In August 12 letter that the
21 LEA has forwarded very specifically they said
22 condition one, the amendment is consistent with the
23 EIR approved by the board of supervisors
24 November 30, 1993, for the subject property.
25 Number three, amendment is consistent with

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1 terms and condition of the current Solid Waste
2 Facility for the subject property.

3 So I'm picking out the specifically the
4 number three that is mentioned in this letter of
5 August 12th from the LEA.

6 And then from here I went to the Solid
7 Waste Facility permit that was issued which very
8 specifically refers to the EIR and the CUP. And in
9 the CUP, as I read it, the condition does not
10 exclude use of C & D when it's used as an ADC
11 separate from that daily tonnage. So my -- at least
12 while I read it.

13 So how can I make a decision or how could
14 the LEA make a decision on allowing the use of ADC
15 ignoring the Solid Waste Facility permit because of
16 one specific section of Title 27 that says X, Y and
17 Z? That's really, that's what my question.

18 So maybe LEA can also put a written
19 response to my question.

20 So I can't -- from my standpoint, I'm not
21 out of the bounds. I'm just looking at that
22 everything is ultimately goes, we are looking at the
23 Solid Waste Facility permit for the facility.
24 That's why we are all over here. We are not over
25 here because of the CUP. We are not over here

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1 than ADC. Because beneficial use very specifically
2 is defined. The asphalt that is being used, that's
3 a beneficial use.

4 In other words, if they bring in broken
5 asphalt pieces they use for the load, intermediate
6 loads in the facility, that is a beneficial use.

7 If they ship it out of the facility for
8 somebody else to use it, that's a beneficial use.

9 But the way the CUP is written and very
10 specifically when you get to the green waste, they
11 have separated. So I'm -- this is something that at
12 least from my standpoint I have some doubt. I have
13 some doubt.

14 If I'm going to reach a conclusion in this
15 case, I got to know, I want to make sure that I'm
16 making a decision on the facts that I can make my
17 decision on. And right now I'm not sure whether or
18 not the C & D when it's used as a daily cover is
19 considered a beneficial use because that's not the
20 way the CUP is written, based on the 10 G and 10 J.

21 And I also want to mention that that has
22 never been a concern, at least for the time that I
23 was involved under what I'm seeing, because it is
24 identified as the C & D is identified, this is the
25 record over here that is from disposal reporting

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1 because we are coming as a part of the Solid Waste
2 Facility permit which RDSI plays a role in there, is
3 an element of it.

4 And so I look at this, all these documents
5 that were the foundation of the facility receiving a
6 permit. A Solid Waste Facility permit. So the
7 question really comes to the LEA. Did you consider
8 this? And if you haven't, well, why not?

9 MS. RUBALCAVA: Can I go back to the
10 tonnage questions? I have to say, I'm not 100
11 percent certain what your point is, just to be
12 perfectly clear. Let me try to restate it.

13 MR. MOHAJER: Right.

14 MS. RUBALCAVA: The daily tonnage you've
15 quoted is 6,600.

16 MR. MOHAJER: Maximum.

17 MS. RUBALCAVA: But that's the net tonnage.

18 MR. MOHAJER: Right.

19 MS. RUBALCAVA: The net tonnage is a
20 defined term and net tonnage includes waste
21 processed and put to beneficial use.

22 MR. MOHAJER: Right.

23 MS. RUBALCAVA: All right. So how is that
24 not consistent with what we're doing?

25 MR. MOHAJER: Beneficial use is different

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1 system that says they are not using any C & D, they
2 are just using green waste. So there was no point.
3 I mean, there's no reason to even raise the issue,
4 but now very specifically we are asking for using
5 the C & D.

6 If this record is wrong, then you need to
7 correct this record also. But that's where I'm
8 coming, Mr. Pfaeffle. I'm going. I'm looking at
9 the Solid Waste Facility permit and everything that
10 goes into that Solid Waste Facility permit that
11 builds the foundation to granting the permit.

12 MR. PFAEFFLE: I understand.

13 Just a clarification.

14 Did you wish for the LEA to respond in
15 writing to your question as to how the amendment is
16 consistent with the environmental impact report as
17 stated on the letter of August 12th? Is that one of
18 your items?

19 MR. MOHAJER: No. I said that was one of
20 the -- I'm looking -- again, as my justification,
21 these are all part of the Solid Waste Facility
22 permit. If -- let me go one step further.

23 If C & D, the decision ultimately comes
24 from regional planning and depending how the
25 argument between permittees and counsel and the

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1 county counsel goes through, if the C & D is going
2 to be considered as additional materials that is
3 going to be deducted from 6,600 tons -- I mean --
4 MR. PFAEFFLE: I understand the tonnage
5 question. But in addition to that, do you have a
6 different question?
7 MR. MOHAJER: That ultimately goes to the
8 issue of the EIR and the traffic studies. And the
9 traffic studies. If I have to based on the revised
10 RDSI that I'm looking over here and on the last page
11 they are indicating that they could use 3,100 tons,
12 so I'm asking is 3,100 tons is in addition to the
13 6,600 tons? And if it is in addition to 6,600 tons,
14 is the EIR that was approved back in 1993 has
15 considered this?
16 MS. RUBALCAVA: I can answer that question.
17 The EIR that was considered in 1993 that
18 discussed a 17,800 ton per day landfill and it
19 discussed the traffic impact associated with that.
20 What was ultimately approved was a much smaller
21 landfill.
22 So to your question is did the traffic
23 impacts consider daily tonnage up to 9,000 tons per
24 day, which would be 6,600 plus 3,100, the answer is
25 yes, absolutely.

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1 MR. MOHAJER: And, but I also mentioned, I
2 also mentioned, I mentioned the 17,000, but I also
3 mentioned as going through the process of the new
4 CUP for the county landfill, the county has
5 determined that that traffic study was not
6 sufficient and they -- and that's for the 11,100
7 tons a day and that's what they wanted to do a new
8 traffic study, because that traffic study was
9 conducted.
10 And if I'm going to make a decision, I'm
11 just saying, I'm building up of ultimately it has
12 been determined that the traffic study that was done
13 back in '93 is not sufficient.
14 MS. RUBALCAVA: That's not accurate.
15 MR. MOHAJER: At least that's my
16 understanding.
17 MS. RUBALCAVA: Can I explain to you why
18 that's not accurate?
19 MR. MOHAJER: Well, not really. You can
20 put it in writing. Because then I want them in
21 writing. And they -- if I'm going to look at the
22 protecting public health and safety, then traffic is
23 one of the issues and I would look at it.
24 And so this, all this stuff, I'm just
25 throwing out how I'm rationalizing my thoughts.

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1 And the reason I'm just doing it is because
2 that's the way I have always been operating as a
3 bureaucrat or as an engineer or as a designer.
4 MS. RUBALCAVA: Well, I mean, but you're
5 also subject to the requirements of CEQA.
6 MR. MOHAJER: That's correct.
7 MS. RUBALCAVA: And so the EIR for the
8 county landfill was accurate. It was certified by
9 the county at the time as accurate and was upheld by
10 the court.
11 The fact that we are now going for a new
12 county CUP and the county decided to update the
13 traffic report doesn't change anything to -- with
14 regard to the accuracy and the fact that the traffic
15 study was certified in 1993. That's what the county
16 here has to rely on. They've got to rely on that
17 EIR because that's the EIR that's referred to in the
18 Solid Waste Facility.
19 MR. MOHAJER: But the traffic study, the
20 conditions have changed. There are tremendous new
21 development in Santa Clarita development that they
22 use 5 and 14 that it was not there. And --
23 MS. CLARK: But that's the point she's
24 making.
25 MR. MOHAJER: No. I understand. I

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1 understand.
2 That was the reason why the county wanted a
3 new traffic studies.
4 MS. RUBALCAVA: But the finding, again,
5 your LEA is they are bound by what the regulations
6 and the statutes say they are to do. And they are
7 to determine whether the CUP for the county landfill
8 that's already approved, not the one, you know, the
9 replacement CUP is accurate. They could not look
10 forward. They are required to look at the one
11 that's referred to in the Solid Waste Facilities
12 permit.
13 MR. MOHAJER: But the issue may not be
14 relevant at all once we answer that 6,600 tons.
15 Because if the 3,100 tons, if that's what BFI wants
16 to use is going ultimate -- if the decision comes
17 that it has to be taking care, it has to be deducted
18 from 66,000 -- 6,600 tons a day, then we don't have
19 to worry about it. If not, the answer is that it
20 has to be added to the 6,600, then it's whatever the
21 decision is and we'll go from there.
22 MS. CHANG: Mr. Chairman, if I can just --
23 since Ms. Clark, since she has to leave soon, we
24 should probably set a continuation date.
25 MR. MOHAJER: Right.

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<p>1 MS. CHANG: And if maybe you can state once 2 more for the record and just so that I'm personally 3 clear what you're expecting each party to do, if 4 anything, before the next session of this hearing. 5 MR. MOHAJER: I would like to have a 6 determination from the county as to whether the use 7 of construction and demolition materials as 8 alternative daily cover should be considered as a 9 part of an allowable tonnage of 6,600 tons per day 10 pursuant to condition 10 G and 10 J of the existing 11 CUP. 12 I would like to have a written 13 definition -- if it happens to be the Title 27, 14 that's fine -- as to the process, construction and 15 demolition waste and construction and demolition 16 tailing waste. 17 I need to have an explanation from the 18 permittee as to the use of C & D and green waste and 19 the beneficial use data that has been submitted to 20 the State Waste Board and to the county Department 21 of Public Works and the accuracy of those data. 22 I would also like to know -- this may 23 clearly be out. I accept this. That why BFI has 24 failed to prepare the five-year review permit for 25 2000, which was due November 2004.</p> <p style="text-align: right;">146</p>	<p>1 MR. MOHAJER: That's right. I am just 2 one-man operation. 3 MS. CLARK: I need dates. 4 MR. MOHAJER: I'm still the old-fashioned 5 (indicating). 6 MS. CHANG: We're going to need enough time 7 for everyone to review all of the materials as well 8 as prepare the written responses. 9 MS. RUBALCAVA: I would like to be able to 10 review the transcript. There was an awful lot that 11 came up, especially during Mr. Mohajer's comments. 12 And I think the court reporter mentioned it was two 13 to three weeks for a transcript. 14 MS. CHANG: So at least two or three weeks 15 out, maybe a month. 16 MS. CLARK: November 15th is good for me. 17 That's a Tuesday again. 18 MS. RUBALCAVA: I did not bring my calendar 19 with me. 20 MS. CHANG: I didn't either. 21 I'm thinking one week to review the 22 transcript plus process it. Maybe that's not enough 23 time. 24 Let's say, do you want to say six weeks 25 out?</p> <p style="text-align: right;">148</p>
<p>1 Now, if LEA and the permittee object to 2 that, that's probably right. 3 MS. CHANG: Should we perhaps talk about 4 dates and then you can supplement your list. 5 MR. MOHAJER: No. I think that's all I 6 have. 7 Also, there are other documents that are 8 provided that after myself, after I review them, I 9 may come up with more questions. 10 MS. CHANG: I would also request -- 11 actually, is it Sharon? I'm sorry. 12 MS. RUBALCAVA: Yes. 13 MS. CHANG: Sharon and Fred, I think you 14 both alluded to this. If any of what this panel is 15 asking is, in your opinion, irrelevant, if you can 16 state why, that would help Mr. Yanai and I in 17 advising the board. 18 MS. EDWARDS: Is it all right if we submit 19 some things in writing too? Because we have a lot 20 of information on traffic and things like that. 21 MR. MOHAJER: No. I didn't ask any 22 information from the coalition. 23 MR. HUNTER: We have a lot. 24 MS. EDWARDS: We have a lot on the traffic 25 thing. You don't want to get our packages.</p> <p style="text-align: right;">147</p>	<p>1 MS. CLARK: That was five weeks. 2 MS. CHANG: Or does that bring us into the 3 holidays? 4 MR. MOHAJER: Thanksgiving is on 5 November 24th. 6 MS. RUBALCAVA: I'm busy that day. I'm 7 cooking dinner. 8 MR. MOHAJER: Me too. 9 MS. CHANG: Ms. Clark has proposed the 15th 10 or the 22nd of November. 11 MS. CLARK: The 22nd is two days before. 12 MR. PFAEFFLE: That's not a good idea. 13 MR. MOHAJER: 22nd is not good for 14 Mr. Bittenson. 15 MS. CHANG: How about the 28th? 16 MS. CLARK: I don't like Mondays. I 17 baby-sit that day. 18 MS. ZILIAK: That's more important. Trust 19 me. 20 MS. CLARK: Yes. 21 MS. CHANG: Into early December maybe? 22 December 2nd? 23 MR. PFAEFFLE: How about the 6th? 24 MR. BITTENSON: The 6th or the 7th? 25 MR. MOHAJER: I can't make it on the 6th</p> <p style="text-align: right;">149</p>

1 and I can't make it on the 7th.
 2 December 2nd?
 3 MS. CLARK: No. I'm at a conference.
 4 MR. MOHAJER: December 14th?
 5 MR. BITTENSON: How does the 14th look for
 6 you?
 7 MR. MOHAJER: That's a Wednesday.
 8 MR. BITTENSON: Yeah.
 9 MS. CLARK: I have something penciled in
 10 there.
 11 MS. CHANG: There's a question mark. Can
 12 you tell them that it's taken?
 13 MR. MOHAJER: Yeah. You can tell them it's
 14 already been spoken for.
 15 Can we go off the record so she can --
 16 MS. CLARK: Oh, yeah.
 17 (Recess taken from 1:27 p.m.
 18 to 1:28 p.m.)
 19 MR. MOHAJER: Okay. So the next meeting is
 20 set for December 14th at 9:00 a.m. at the LEA's
 21 office, room 120.
 22 MR. HUNTER: Well, I wanted to know, since
 23 you're having the meeting and it's Wednesday the
 24 14th, if there's any material that's to be or
 25 presented, can you at least make a date like one

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1 week before so it can get to commissioner so that
 2 they can review it prior to? Because it's too hard
 3 to analyze what's going on in here the same day.
 4 And I think for you also to read the material. So
 5 whatever material is coming in, we would also like
 6 to get a copy of it and, you know, get it into the
 7 board at least a week ahead of time. Whatever your
 8 pleasure.
 9 MS. CHANG: Let's --
 10 MR. MOHAJER: Well, I had sort of a
 11 standing of two weeks.
 12 MR. HUNTER: Whatever works for you.
 13 MS. ZILIAK: We're saying at least one
 14 week.
 15 MR. HUNTER: Yeah. At least one week.
 16 MS. ZILIAK: Two is better, but at least
 17 one week.
 18 MS. EDWARDS: Especially during December.
 19 MR. MOHAJER: So would it be all of the
 20 documents should be submitted by November -- by
 21 Wednesday, November 30th.
 22 MS. CHANG: And I would request that briefs
 23 that are to be submitted to the hearing panel be
 24 sent care of Mark Yanai and myself. And we can give
 25 you our business cards.

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1 Two to three weeks. How is the transcript
 2 going to be handled?
 3 MS. RUBALCAVA: Pardon me?
 4 MS. CHANG: How is the transcript going to
 5 be handled? Is everyone going to get mailed a copy?
 6 I don't know if you talked about it before I got
 7 here.
 8 MS. RUBALCAVA: We have not talked about
 9 that. It's whatever people want.
 10 MS. CHANG: I want a copy. The hearing
 11 panel, I assume, wants a copy each.
 12 MR. HUNTER: We, obviously, have to have
 13 something.
 14 MR. MOHAJER: I would like to have a copy
 15 because I do mumble.
 16 MS. CHANG: Well, how about this? Let's
 17 say one copy per party. And -- but the hearing
 18 panel -- okay. So one copy for the LEA, one copy
 19 for BFI, one copy for the Coalition and one copy for
 20 the hearing panel sent care of Mr. Yanai and myself.
 21 And we'll make copies and distribute them to the
 22 board, to the panel.
 23 MS. RUBALCAVA: Are you going to pay for
 24 them?
 25 THE REPORTER: Exactly.

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1 MS. CHANG: I assume the LEA. I don't know
 2 what the arrangements are.
 3 MS. RUBALCAVA: Yeah.
 4 MR. MOHAJER: So if we are finished with
 5 that, we can adjourn.
 6 MS. CHANG: We're adjourning this session,
 7 but not the hearing.
 8 MR. BITTENSON: Right. Thank you.
 9 MR. MOHAJER: To the next one. Thank you
 10 all.

(Whereupon, the proceedings
 concluded at 1:31 p.m.)

--oOo--

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1 REPORTER'S CERTIFICATE

2
3 STATE OF CALIFORNIA)
4) ss.

5
6 County OF SAN BERNARDINO)

7 I, AMBER DAWN CASTANEDA, RPR, CRR, a
8 Certified Shorthand Reporter within and for the
9 county of San Bernardino, State of California, do
10 hereby certify:

11 That the said transcript of proceedings was
12 taken down by me in shorthand at the time and place
13 therein stated and was thereafter reduced to print
14 by Computer-Aided Transcription under my direction;

15 I further certify that I am not of counsel
16 or attorney for any of the parties hereto or in any
17 way interested in the event of this cause and that I
18 am not related to any of the parties thereto.

19 Dated this 24th day of October, 2005.

20
21 AMBER DAWN CASTANEDA, RPR, CRR,
22 CSR No. 7640
23
24
25

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NVC EXHIBIT

B4

MOTION

**INTERGOVERNMENTAL
RELATIONS**

NOV 02 2005

The County of Los Angeles Regional Planning Commission is considering a Replacement Conditional Use Permit (CUP) for the Sunshine Canyon Landfill.

Under the conditions of this Replacement CUP, the landfill would be allowed to operate as a joint-City/County Landfill, with the totality of the 12,100 permitted tons per day of both the County and City side allowed to be dumped on either the City or County side. Additionally, condition 17,c of the draft conditions allows the County to increase this tonnage at will.

Additionally, the City of LA, by ordinance, and various regulatory boards, including the Los Angeles Regional Water Quality Control Board and others, have taken strides to ensure the safety of the landfill and the residents who live nearby.

According to Draft Conditions of the Replacement CUP, the County is proposing to invalidate, or lessen the restrictions and conditions that have been so hard fought for this facility.

Specifically, Draft Condition 14 allows the applicant, Browning Ferris Industries to landfill into the so-called "Bridge Area," as previously denied by the City's issuance of a "Curative Variance," to prohibit this practice. Additionally, landfilling in this area would require the removal of existing groundwater monitoring wells to the exterior of the facility, so that any potential problem would not be discovered until contaminants have had the opportunity to migrate a significant distance, putting public health and safety in jeopardy.

Additionally, the very act of granting a replacement CUP by the County of Los Angeles, is in violation of [Q] conditions B.d.1, B.d.2, B,d,2,aa and B,d,2,dd, which require separate operation of a City-only landfill for five years prior to operation as a joint-City/County landfill. The City-side landfill has only been operational since Summer of 2005.

I THEREFORE MOVE that the City Council takes a firm position against any action by the County of Los Angeles that would lessen or invalidate any condition or restriction on the Sunshine Canyon Landfill that has been required, enacted or imposed by any regulatory body, or by the City of Los Angeles by ordinance, including [Q] conditions, Curative Variance and financial assurance requirements.

I FURTHER MOVE that the City Council ask the County of Los Angeles to put a moratorium on approval of a Replacement Conditional Use Permit for the Sunshine Canyon Landfill, until the Applicant is compliant with existing requirements and conditions, including, but not limited to the following:

[Handwritten mark]

05-2366

The City Council unanimously approved Councilman Smith's resolution to include in the City's 2005-2006 State Legislative Program support for AB 1090. The bill would seek to amend the California Integrated Waste Management Act by adding recovery, through recycling, and conversion technology to its existing waste management priorities. Moreover, the bill would allow local jurisdictions the ability to use conversion technologies to meet their 50% waste diversion requirements.

The bill, if passed into law, could result in the production of low-cost electricity, ethanol and/or hydrogen as well as a reduction in landfill disposal, dependence on fossil fuels and greenhouse gases.

The resolution is part of Councilman Smith's RENEW LA plan, which is his blueprint for the City of Los Angeles to end its dependence on landfills for disposal, while simultaneously striving to create renewable, green energy by providing incentives to local recycling and promoting the development of conversion technologies.